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## Documents relating to the Africans taken in the Amistad.

### JUDGE JAY'S LETTER ON THE AMISTAD CASE.

BEDFORD, OCT. 20TH, 1840.

MY DEAR SIR,—As one of the committee charged with the legal defence of the Africans of the Amistad, please to accept the amount of the enclosed check. In making this contribution to your fund, I am influenced, not merely by sympathy for these much injured men, but also by a desire to aid in thwarting the unrighteous efforts of the administration, to sacrifice them for party purposes. In reviewing the conduct of the President and his cabinet on this subject, it is difficult to avoid the use of language apparently inconsistent with decorum and Christian charity. Let FACTS speak for themselves. The case of the Amistad has been greatly mystified by ignorant and by wicked commentators. It is, in truth, simple and free from difficulty.

By the laws of Spain the African slave trade is wholly prohibited, and the crown of Spain has explicitly declared, that all Africans who may be clandestinely introduced into any of her dominions, shall be held to be free men and not slaves.

In June, 1839, a slaver under Portuguese colors, and named *Tecora*, landed a cargo of Africans by night at a small village near Havana. About ten days after a number of them were purchased by two men, Ruiz and Montes, who put their smuggled property on board the Amistad, to convey it from Havana to Principe, a distance of about 100 leagues. On the passage the Africans rose, killed the captain and cook, but spared the lives of their alleged owners, and brought the vessel into Long Island Sound. It was there seized on the 26th August, by Lieutenant Gedney of the U. S. brig Washington, and the negroes were committed to prison in Connecticut on a warrant charging them with murder, issued by the U. S. Judge for that District.

Ruiz and Montes, who had attempted to carry to their plantations as slaves, men whom they well knew were entitled to their liberty, had the consummate impudence to publish at New London, a card, expressing their gratitude for their rescue "from a ruthless gang of African buccaneers."

The Amistad and her cargo were immediately libelled by Lieut. Gedney for salvage.

On the 6th September, the Spanish minister in a letter to Mr. Forsyth, the Secretary of State, demanded the delivery of the vessel and cargo under the treaty of 1796, and also that "the negroes be conveyed to Havana, or be placed at the disposal of the proper authorities in that part of Her Majesty's dominions, in order to their being tried by the Spanish laws which they have violated." After dwelling upon the danger to the internal tranquillity of Cuba, which would result from its coming to the knowledge of the slaves in that Island, that the Amistad Negroes had escaped punishment, his Excellency proceeded: "If, on the other hand, they should be condemned by the incompetent tribunal, (the Court in Connecticut,) that has taken upon itself to try them as pirates and assassins, the infliction of capital punishment in this case, would not be attended by the salutary effects had in view by the law, when it resorts to this painful and terrible alternative, namely, to prevent the commission of similar offences." That is, in order to prevent the Cuban slaves from imitating the example of the Amistad negroes, it is important that those negroes should be put to death in Cuba and not in Connecticut.

The treaty stipulation with Spain, under which the minister claimed the delivery of the vessel and cargo, provides for the restoration of vessels of either party, forced into the ports of the other, through the pursuit of enemies or "other urgent necessity," and it also declares that all "merchandise" which shall be rescued out of the hands of pirates or robbers on the high seas, shall be restored "to the true proprietor as soon as due and sufficient proof shall be made concerning the property thereof."

Mr. Holabird, the U. S. Attorney for the District of Connecticut, on the 9th of September wrote to the Secretary of State, that he was satisfied the Africans could not be tried by our laws for murder, and, he inquired "whether there are no treaty stipulations with the government of Spain, that would authorize our government to deliver them up to the Spanish authorities, and if so, whether it would be done before our court sits."

The Secretary was unable to gratify the amiable solicitude of the Connecticut Attorney. The treaty makes no provision for the surrender to the Spanish Authorities of alleged criminals; and the Constitution confers no power on the President to supersede the criminal warrants of "our court." But it might be possible to manufacture out of these foreigners a little political capital for the southern market; and the Attorney was instructed on the 11th September, "to take care that no proceedings of your circuit court, or any other judicial tribunal, places the vessel, cargo, or slaves beyond the control of the FEDERAL EXECUTIVE."

The southern journals were generally clamorous for the surrender of the Africans, and the extraordinary course pursued by Mr. Van Buren justifies the belief, that he was not unmindful of the influence which a surrender of insurgent slaves, might have at the South, on the approaching presidential election.

In the mean time, the able counsel employed by some friends of humanity, for freedom, to defend the Africans, addressed a letter to the President, protesting against any extra judicial interference on his part, against their unhappy clients. The letter, by order of the President, was on the 24th Sept., submitted to Mr. Grundy, the Attorney General of the United States, for his advice. The opinion given by this distinguished functionary, accorded more with his personal character and feelings than with the laws and constitution of his country. His devotion to Slavery and his bitterness towards its opponents had not a great while before, betrayed him into the extraordinary indecency of expressing in his place, as a Senator of the United States, his approbation of Lynch law, as applied to Abolitionists. It is not, therefore, surprising that he was not very scrupulous in applying legal principles to insurgent slaves. Mr. Grundy, as might be expected, was in favor of surrendering the Africans, and he thus demonstrates that they are not free-men. "This vessel cleared from one Spanish port to another Spanish port with papers regularly authenticated by the proper officers at Havana, evidencing that the negroes were slaves, and that the designation of the vessel was to another Spanish port. I cannot see any legal principle upon which the Government of the United States would be authorized to go into an investigation for the purpose of ascertaining whether the facts in those papers are true or not."

Here was a question not merely of freedom or bondage, but of life and death, affecting forty human beings, and resting on a custom-house certificate, and yet the Attorney General of the United States cannot see any legal principle on which the truth or falsehood of that certificate can be inquired into, although, as will presently appear, its falsity was not merely palpable and obvious to all, but denied by none.

But neither Mr. Grundy himself, nor the political party with whom he acts, had any difficulty, shortly after, in discovering legal principles in abundance, to justify the House of Representatives in refusing to regard the certificate of the Governor of New Jersey, authenticated by the great seal of the State, as even prima facie evidence that certain individuals had been elected members of Congress!!

The Attorney General is for surrendering the Africans under the treaty; but moreover, "these negroes are charged with an infraction of the Spanish laws, and, THEREFORE, it is proper that they should be



surrendered to the public functionaries of that Government; that if the laws of Spain have been violated they *may not escape punishment.*"

For this *dictum*, the Attorney, of course, cites no authority, and it is certainly very extraordinary, that occupying the responsible station of legal adviser to the President, it should have escaped his recollection, that it had been expressly decided that the Federal Executive had no authority to surrender fugitives from justice to a foreign government, unless provided in the treaty; and in consequence of this decision, the demands of the Canadian and Irish authorities for the surrender of murderers have been rejected by the present administration. Perhaps Mr. Grundy thinks that Africans, like abolitionists, are entitled to LYNCH LAW.

The opinion of the Attorney General on the power of the President is no less remarkable, than on the sanctity of Havana permits, and the right of surrendering criminals. "My opinion," says he, "is that the proper mode of executing this article of the treaty in the present case, would be for the President of the United States to *ISSUE HIS ORDER* directing the Marshal in whose custody the vessel and cargo are, to deliver the same to such persons as may be designated by the Spanish Minister to receive them." In confirmation of this opinion, he quotes *verbatim* the 9th Art. of the treaty providing that ships and merchandise rescued from the hands of pirates, &c., shall be "restored to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof." Ruiz and Montes claim to be the true proprietors of the negroes—their claim is contested:—before whom is the due and sufficient proof required by the treaty to be offered? Mr. Grundy insists that the President is to be both court and jury, and short work he is to make of it; for a Havana passport, describing the Africans as *slaves*, is like proof from Holy Writ, not to be questioned. Now this sacred document declares that Ruiz and Montes are the "true proprietors" of the negroes—the claimants are on the spot with their "due and sufficient proof"—and our magnificent Attorney General recommends, that in defiance of the express words of the treaty, the negroes be withheld from their true proprietors, and be delivered to such persons as may be designated by the Spanish Minister! And the reason—"These negroes deny that they are slaves; if they should be delivered to the claimants, no opportunity may be afforded for the assertion of their right to freedom!" Verily, Mr. Grundy is a perfect fanatic in behalf of the poor slandered Africans. His heart is over them, and despite the treaty, he is for committing them to the Spanish Minister, that they may have the privilege of proving before the Havana courts, that they are MEN, and not CHATTELS! Assuredly, if once surrendered to his Excellency, they would soon be, where the wicked cease from troubling, and the weary are at rest. Mr. Grundy's ideas seem to have been thrown into some little confusion, for shortly before he had assigned a very different reason for surrendering the Africans, viz. "that if the laws of Spain have been violated, they *may not escape punishment!*"

On the 17th September, the Circuit Court assembled at Hartford. The Africans were in custody solely on the charge of murder, a charge which it was foreseen could not be tried in any of our courts. Unless, therefore, some other pretext was found to detain them, they would, contrary to the orders from Washington, be placed "beyond the control of the Federal Executive." Hence the day after the Circuit Court met, an attachment was issued from the District Court against the Amistad and her cargo, in behalf of Gedney's libel; and libels were also filed in the same court, in the names of Montes and Ruiz, claiming the negroes as their property; and the District Attorney filed a libel in behalf of the government, claiming possession of the negroes, in order, that if slaves, they might be delivered to the Spanish Minister; and if freemen, be sent to Africa under the act of 1819, authorizing the President to send back re-captured Africans. Thus were the Africans enclosed in various legal nets, in the hope, that should they break through some of them, others would be found strong enough to hold them.

The court decided that no indictment would lie against the Africans for an alleged murder committed at sea, on board a Spanish vessel. Mr. Holabird, however, opposed their discharge. "I stand here," said he, "to contend that these blacks are FREEMEN—that they have been brought within the jurisdiction of the United States, and may be holden to abide the decision of the proper authority, and if found to be, as I suppose, native Africans, they may be sent to their native land." Most extraordinary philanthropists, these United States Attornies! Mr. Grundy is for giving up the Africans, first, to be *punished*, and, secondly, that they may prove their freedom. Mr. Holabird knows they are freemen, and as such begs they may be imprisoned in order

that Mr. Van Buren may send them home. Only eleven days before this gentleman anxiously inquired of Mr. Forsyth if they could not be delivered to the Spanish authorities "before our court sits."

The Circuit Court refused to discharge them, on the ground that in consequence of the libels and attachment against them in the District Court, they must be considered as in custody of that court.

In the mean time the Spanish legation to this country had been changed, and on the 26th November, the new Minister addressed the Secretary of State, denying the right of our courts to take cognizance of the case, and complaining that in consequence of the delays they had interfered, "PUBLIC VENGEANCE has not been satisfied, for be it recollected, that the legation of Spain does not demand the delivery of slaves, but of 'ASSASSINS.'" Thus was the cabinet at Washington a second time officially informed that in surrendering these negroes, they would be consigning them to a Spanish gibbet; and moreover, that they were not demanded as *merchandise*, under the treaty, but as fugitive felons.

The District Court was to meet on the 7th January, 1840. On the 30th of the preceding December, the Spanish Minister wrote to the Secretary of State, "In the conversation which I had with you on the morning of the day before yesterday, you mentioned the possibility that the court of Connecticut might, at its meeting on the 7th of January, declare itself incompetent, or order the restitution of the schooner Amistad, with her cargo, and the negroes found on board of her, and you, showed me it would be necessary for the legation of her Catholic Majesty to take charge of them as soon as the court should have pronounced its sentence or resolution. I venture to request you to prevail upon the President to allow the Government of her Catholic Majesty the assistance which it asks under the present circumstances, from that of the United States, by placing the negroes found on board the said schooner, and claimed by this legation, at the disposition of the Captain General of Cuba, transporting them thither in a ship belonging to the United States."

We here find the Secretary of State not merely anticipating the action of the District Court, but warning the Spanish Minister to be in readiness to seize his prey "as soon as the court shall have pronounced its decision." The Minister, not well knowing what to do with the negroes, asks the favor of the President to send the "assassins" in a government vessel to Cuba, suggesting that the best means of testing their claim to freedom would be to bring them before the courts of Havana. As they were destined to the gallows, it would seem to be no great matter to them whether there were hung as freemen, or as slaves. Mr. Van Buren, eagerly catching at this miserable and ridiculous pretence for surrendering the Africans, replied, through Mr. Forsyth, on the 6th January, that the President would cause the necessary orders to be given for a vessel of the United States to be held in readiness to receive the negroes, and convey them to Cuba, with instructions to the commander to deliver them to the Captain General of the Island, adding, "the President has the more readily been inclined to accede to your request in this particular, on account of one of the leading motives (!) which prompted you to make it; that the negroes, having asserted before the court in Connecticut, that they are not slaves, may have an opportunity of proving the truth of their allegation before the proper tribunals of the Island of Cuba, by whose laws alone, taken in connection with circumstances occurring before the arrival of the negroes in the United States, the question of their condition can be legally decided."

Never, perhaps, in the annals of diplomacy, was an assigned motive more palpably and foolishly false than this. The Spanish minister expressly tells the President to *recollect* that the negroes are demanded "not as slaves, but as assassins;" he complains that the Connecticut court, by its interference, has delayed "public vengeance;" he shows why "capital punishment," inflicted on these negroes in Connecticut, will not have the same effect in preventing similar offences, as if executed in Cuba. But Mr. Van Buren, anxious that these men should have an opportunity of relieving themselves from the reproach of slavery, although at the cost of their lives, determines to be at the expense of sending them to Cuba in a national vessel! The zeal of the cabinet in behalf of the reputation of the negroes outstripped their professions. The orders promised on the 6th January, had, in fact, been given on the 2d. On that day the Secretary of the Navy had been directed to cause "the vessel destined to convey the negroes of the Amistad to Cuba" to be anchored off the port of New Haven as early as the 10th of January.

And here we may surely ask what authority the President possesses forcibly to transport men from this to foreign countries, to give them an opportunity to prove their freedom? By our own laws no alledged



fugitive slave can be sent to another state for such a purpose; but his claimant must prove his property where he finds it.

But the tender mercies of Mr. Van Buren did not stop here. Before the letter of the 6th January, to the Spanish minister, consenting to send the Africans to Cuba that they might establish their claim to freedom, was written, Lieutenants Gedney and Mead were ordered to hold themselves in readiness to proceed with the negroes, "for the purpose of affording their testimony in any proceedings that may be ordered by the authorities of Cuba in the matter." This is one of the most detestable measures connected with the whole of this wicked transaction. These two officers had captured the *Amistad* on her coming on our coast, and the President, of his own free will, now orders them to proceed to Cuba, in a national vessel, at public expense—for what? to aid the negroes in proving their freedom? to hasten their execution as PIRATES, by testifying that the vessel was found in their possession.

On the 7th January, the very day the court met, the President signed a warrant directing the marshal of Connecticut "to deliver over to Lieutenant John S. Paine, of the United States navy, and aid in conveying on board the schooner *Grampus*, under his command, all the negroes late of the Spanish schooner *Amistad* in his custody." This warrant was delivered to the commandant of the *Grampus*, who was directed on his arrival at New Haven to communicate with Holabird, that he might "receive the earliest information of the decision of the court." Lieutenant Paine, on receiving this early intelligence, was to serve the President's warrant on the marshal, and receive the negroes from him.

It is very evident that the cabinet had full confidence that the decree of the court would be such as they desired; a confidence probably founded on the political partialities of Judge Judson, and the zeal he had sometime before exhibited against the Abolitionists. Hence the costly preparations made for carrying his anticipated decree into execution; hence an armed schooner was stationed off New Haven; hence two naval officers were detached from the service, to repair to Cuba to give their evidence against the Africans. But did it not occur to the Government, that an appeal lay from the district to a higher court? and did they not know that the counsel for the Africans in case of an adverse decision, would avail themselves of this privilege? Certainly, and hence the abominable contrivance to kidnap the negroes before an appeal could be entered. On Sunday, the 12th January, Mr. Forsyth wrote to Mr. Holabird a letter marked "confidential," instructing him, "if the decision of the court is such as is anticipated the order of the President is to be carried into execution, unless an appeal shall actually have been interposed. You are not to take it for granted that it will be interposed. And if, on the contrary, the decision of the court is different, you are to take out an appeal, and allow things to remain as they are till the appeal shall have been decided." Observe, sir, the ingenuity of the plot. The whole arrangement about the *Grampus* was kept a profound secret. The court is sitting at New Haven, and the vessel anchors in the harbor, nobody knows why. Her commander has in his pocket the President's warrant for the negroes, and the District Attorney is to give him "the earliest information" when to serve it. Mr. Holabird is, moreover, "confidentially" instructed, that in case of a decision virtually condemning the negroes to death, he is not to take it for granted that their counsel will, like honest men and faithful lawyers, interpose an appeal. Dull, indeed, of comprehension, would the District Attorney have been, had he not understood his instructions as requiring him to allow, if possible, *no time for an appeal*. The night following the expected decision, (had it been made,) would have been occupied by Lieut. Paine and the marshal in conducting the Africans, under cover of darkness, on board the *Grampus*, and the next morning, when their counsel met to prepare the appeal, the ocean billows would have been bearing their unhappy clients to a bloody grave in Cuba. But while in a case of life and death these unfortunate men were to be thus cruelly robbed of their right of appeal, the Government, as we have seen, took care to secure it for themselves.

On the 7th January the District Court was opened at New Haven. The wretched Africans seemed a tempting carcass over which a flock of greedy vultures were hovering. Two lawyers appeared in behalf of Gedney's libel, another for a Mr. Green, of Long Island, who also claimed salvage, because he had first descried the vessel, and held some intercourse with her crew; a fourth condescended to appear in behalf of Montes and Ruiz, not to deny their villany, but to secure the fruits of it; and lastly, to the disgrace of the American Government, Mr. Holabird came into court, to defend the libel he had

filed, and in which it was falsely asserted that the Spanish minister claimed certain slaves found on board the *Amistad* as "the property of Spanish subjects," and that they be restored to the true proprietors and owners thereof, as required by treaty: and this, notwithstanding the official letters of the minister himself, demanding their surrender, "not as slaves, but assassins," not to their owners, but to be placed "at the disposition of the Captain-general of the Island of Cuba." [See Letters of November 26, and December 30.]

It will be recollected that in September Mr. Holabird opposed the discharge of the Africans by the Circuit Court, because he was persuaded they were *freemen*—native Africans, and he wished them detained in prison, that the President might send them back to their own country. But the President had since kindly resolved that they should first have an opportunity of vindicating themselves in the Havana courts from the aspersion that they were slaves; and the obsequious attorney, on the 8th January, insisting before the court for their surrender, thus expressed himself: "The Spanish minister claims that it is the duty of the government of the United States to surrender these men. Treaties must be fulfilled. This *property*—property because so considered by the laws of Spain, should be surrendered. We cannot go beyond the Spanish papers of the *Amistad*, and must respect them. We cannot show that they are contrary to the laws of Spain. The papers are *prima facie* evidence that they were in possession of the Spaniards. Slavery is sanctioned by the law of nations, and if so, is right, where no law exists to the contrary, and it is to be presumed that no Spanish law forbids the slave trade!"

The court decided that the Spanish papers, which Messrs. Grundy and Holabird deemed unquestionable, were false and fraudulent; that the men were *Bozals*, or native Africans, illegally imported, and were not slaves; and that they should be sent back to Africa by the President, under the act of 1819.

Thus was the Connecticut Attorney caught in his own trap. His assertion that the negroes were *freemen* was confirmed by the Court—his application that they should be sent to Africa was granted—and then, in obedience to his Sabbath day instructions, he *appealed* from the very decision for which he had asked!

Having now contemplated with me, the cruelty, hypocrisy, and chicanery of the Federal Government with regard to these men, let me next ask your attention to a bold, palpable, and wicked FRAUD.

The documents from which I have quoted, were laid before Congress by the President, in March last. On such occasions, it is usual to give *foreign* documents in their own language, *verbatim* with English translations. These last, it is understood, are made in the Department of State. Among the documents submitted, are the *Amistad* papers in Spanish, with translations. They include two permits, granted at Havana, for the transportation of the slaves belonging to Montes and Ruiz. We have seen what a sacred impregnable character Messrs. Grundy and Holabird found it expedient to attach to these permits. There are two of them. The one for Ruiz's forty-nine slaves, merely states that the negroes, naming them, "all belonging to Don Jose Ruiz" are permitted to go by sea to Principe. The other, for Montes' three slaves, is similar. The expression "all belonging to," words inserted of course in every permit asked for by a master, words forming part of a *printed* form, constituted, in the opinion of our government lawyers, such irrefragable evidence of title, as in a case of a life and death, to be beyond all investigation!

The permit for Ruiz's slaves, for example, as given in the Congressional documents, begins thus: "Concedo licencia a cuarenta y nueve negros *ladinos*." I grant permission to forty-nine "*ladinos* negroes." What is the meaning of *ladinos*? Dr. Madden, who was the British Superintendent at Havana of liberated negroes, and who had been a judge of the Mixed Commission Court in Cuba, testified in the District Court, that *ladinos* was "a term given to negroes long settled in Cuba, and acclimated there, and introduced before 1820." Africans *recently* introduced, cannot legally be held as slaves, and are called *Bozals*. Now the *Amistad* negroes had been introduced only about ten days before the date of the permit. How came they then to be designated as *Ladinos* in that document? The explanation is given by Dr. Madden. "The object of giving the name of *Ladinos* to *Bozals*, in the permit or *traspaso*, is to prevent capture by British cruisers on the coast of Cuba." That is, as recently imported Africans cannot legally be held as slaves in Cuba, and as British cruisers are authorized by treaty to capture all Spanish vessels transporting such Africans, it was deemed most prudent, in order to protect the *Amistad* from capture, that the Havana officer should certify to a LIE. Accordingly, he furnished her with papers declaring her negroes to be *Ladinos*, or Afri-



ens imported prior to the prohibition of the slave trade. "DEMOCRACY SPURNS THE BROAD SEAL OF NEW JERSEY," but her officials do homage to the lying Havana permit, when it can be converted into the death-warrant of insurgent slaves!

From the Havana fraud, let us turn to an extraordinary falsification of papers, perpetrated, probably, in the department of State. I have no proof that either the President or Mr. Forsyth was privy to it. It has been stated by the Rev. Mr. Leavitt, that the original permit to Ruiz, is on file in the United States Clerk's office in New Haven, and that it begins thus—"Concedo licencia a quarante e nueva ladinos." This is rendered in the official translation submitted to Congress, "I grant permission to forty-nine SOUND NEGROES." Thus a passport for Africans imported prior to 1820, is, by State necromancy, converted into a *bill of health* for forty-nine negroes "belonging to Don Jose Ruiz." Now, is this translation a blunder, or a fraud? Observe that *ladinos* is used in the permit as a substantive; as the specific name of a class of men—the translator has made it an adjective, although there is no substantive which it qualifies. This is awkward; but the awkwardness vanishes the moment we examine the *professed* copy of the original permit in the Congressional documents. The copy reads "concedo licencia a cuarenta y nueva negros ladinos." This interpolation of *negros*, if accidental, is certainly no less convenient than extraordinary, since it renders the translation, at least, grammatical, by furnishing a substantive to which the adjective "sound" may apply. But how came the translator to suppose, that *ladinos* was the Spanish for sound or healthy? Did the dictionaries mislead him? In the great dictionary of the Spanish Academy is the following—

'LADINO—El que sabe otra lengua a lenguas ademas de la surja. *Alterius a patria lingua peritus.*" One who is acquainted with a language foreign from his own country.

The dictionary of Nunes y Taboada, gives the definition in French.

"LADINO—Habile dans une langue.

"ESCLAVO LADINO—Esclave qui est dans un pays depuis un an."

We thus find that the original meaning of the term, is one who speaks a foreign language, and hence we understand why, when applied to an imported African, it means one who has been long enough in the country to speak Spanish; and as the legal presumption is, that no Africans have been brought into Cuba since the slave trade was prohibited, the conventional meaning in that island is, an African slave imported before the prohibition of the trade.

Now as these permits were the *only* evidence that the Africans of the Amistad were *slaves*; and as they alone could justify the government in surrendering them, the importance of concealing, in the translation, the fraud of the Havana officer is obvious. If claimed as *Ladinos*, there was abundant evidence, besides the admission of Ruiz himself, that they were *Bozals*. But, if claimed merely as *sound negroes*, there was no proof that they were *diseased* at the date of the permits.

I remarked in the beginning of this letter, that the case of the Amistad was simple and free from difficulty; and do not the facts I have stated warrant the assertion? If ever there were a justifiable homicide for the recovery of personal liberty, surely that committed by these negroes was one. But admitting they are murderers, they did not violate *our* laws and cannot be punished under them. Nor can they as *murderers* be surrendered to the Spanish authorities. Mr. Van Buren has himself decided that he possesses no authority to surrender Irish or Canadian murderers; and what article of the constitution, we may ask, empowers him to surrender *African* murderers?

Now admit, for the argument, that these negroes are *slaves*; and admit also, that the word "merchandise," in our treaty with Spain, embraces slaves, ought they to be surrendered under the treaty? Recollect that the treaty provides that the merchandise shall be delivered to its *true proprietor*. The Spanish minister never pretended to own these men; nor did he pretend to be the agent of their masters; therefore, under the treaty, *he* had no claim to them. But were Montes and Ruiz entitled to them under the treaty? Not until they made "due and sufficient proof" of their ownership of the merchandise. They bring their title deeds into court, and they are found tainted with palpable, uncontradicted *FRAUD*—the property claimed does not answer the description given, and the "two Spanish Gentlemen" are proved, beyond all question, to be receivers of stolen goods. Whether the Africans were slaves in their own country or not, the assertion that they now legally belong to the two scoundrels who claim them, is an impudent and palpable falsehood.

We know—all know, President, Secretary, Judges, every body, that these men are entitled by both divine and human laws to their liberty.

Why then have they been immured for fifteen months in prison? Why is the Habeas Corpus suspended? Why is the Federal Government plotting against the lives of these men? Why does not the base and cruel conduct of the government arouse the public indignation? Alas! a presidential election renders both parties competitors for southern votes.

The Supreme Court of the United States is now to decide on the life or death of these unhappy foreigners, and we shall learn from the result, whether the national temple of justice is elevated above the foul miasma that has enshrouded and poisoned the Federal Executive.

But, whatever may be the fate of the Africans of the Amistad, you, my dear Sir, will have the consoling reflection, of having done your duty toward them. May your labors in their behalf be continued, and may God crown them with ultimate success.

Yours truly,

WILLIAM JAY.

LEWIS TAPPAN, Esq.

### EXTRAORDINARY PUBLIC DOCUMENT.

26th CONGRESS, Doc. No. 185. HO. OF REPS.

1st Session.

Executive.

#### AFRICANS TAKEN IN THE AMISTAD.

The President of the United States communicated to the House of Representatives, March 31, 1840, in compliance with a resolution adopted on motion of the Hon. John Quincy Adams, copies of the correspondence between the Spanish minister and the Secretary of State, Mr. Forsyth; between Mr. Forsyth and Messrs. Butler and Holabird, United States' Attorneys for the Districts of New York and Connecticut; the Register of the Amistad, her clearance, passports for the Spaniards and the alleged Slaves, Custom House permits, &c.; warrant for the arrest and committal of the Africans; the opinion of Mr. Attorney General Grundy; the letter of the Africans' counsel to the President; the correspondence between the Secretaries of State and the Navy, and finally the WARRANT of PRESIDENT VAN BUREN, for the conveyance of the Africans to Cuba. This document disappeared so quickly, after being sent to the Document Room, in the Capitol, and many members of Congress, as well as other persons, being unable to procure a copy, it was deemed best, by the friends of the Africans, to re-publish an edition at New York. So great was the avidity to obtain copies, that nearly a thousand were sold in the course of a week. We subjoin an extract of the Preface of this Reprint, and the Notes.

So great has been the inquiry for the pamphlet in the free States, and so extraordinary is its character, that it has been deemed best to re-publish it for the use of Members of Congress and their constituents, omitting only some of the ship papers, and the originals of letters of which the translations were published in the original document, with explanatory and critical notes, &c. Otherwise it is an exact copy of the document printed by order of the House of Representatives.

The attention of the free people of this country is invited to the contents of this public document, and they will not fail to notice with astonishment the attempt of the executive to interfere with the regular administration of justice. The Government of a free people should protect defenceless strangers thrown, by the providence of God, after a successful struggle for liberty, upon their shores, and not give them up to foreign claimants unless imperiously required to do it by treaty. But in this instance, it will appear that instead of interposing the national *Aegis* to shield the weak and oppressed, our government has lent all the aid and facilities at its command to have them placed in the hands of the Spaniards, with certain knowledge that many of them would be put to death! These Africans are detained in jail, under process of the United States Courts, in a free State, after it has been decided by the District Judge, on sufficient proof, that they are recently from Africa—were never the lawful slaves of Ruiz and Montes—that the libels of these Spanish claimants should be dismissed with costs—and when it is clear as noon-day that there is no law or treaty stipulation that requires the further detention of these Africans or their delivery to Spain or its subjects. And this, on the demand of the Spanish minister, who has been allowed to come into an American Court, and appeal, when the parties themselves—his countrymen—have made no appeal from the righteous decision of the District Court!

And this is not all. The Circuit Court have refused to admit the children—three little girls and a boy—to bail, after ample security was offered, and they, as well as the rest, are to be confined, it seems, *nine months longer* in jail to await the decision of the Supreme Court of the United States. We ask the attention of the law-loving and liberty-loving people of the United States to these things.

#### CONTENTS OF THE PAMPHLET.

[OMITTING UNIMPORTANT MATTERS.]

1. Letter from Mr. Calderon (Spanish Minister) to Mr. Forsyth, dated



- Sept. 6, 1839, relating the principal facts respecting the Amistad, and demanding that the vessel and cargo be immediately delivered up; that it be declared that no tribunal in the United States has the right to institute proceedings; that the negroes be conveyed to Havana; that the owners of the Amistad be indemnified, &c.; and citing authorities to justify his demands.
2. Letter from Mr. Forsyth to Mr. Calderon of Sept. 16, 1839, saying he had forwarded the letter to the President.
3. Letter from Mr. Forsyth to the Spanish Minister, requesting, on behalf of the President, any documents he may have relating to the question, or evidence of facts, beside those Mr. F. has.
4. Reply of Mr. Calderon, that he has no other documents, and that he is about to present to the President his successor, Don Pedro de Alcantara Argaiz.
5. Chevalier de Argaiz to Mr. Forsyth of Oct. 3, 1839, conveying the solicitation of the Spanish consul at Boston, that there be a delivery of the vessel and cargo to him, agreeably to the provisions of the treaty.
6. [Afterwards communicated to Congress.] De Argaiz's letter to Mr. Forsyth of Oct. 22, protesting against the arrest and imprisonment of Ruiz and Montes at New York, at the suit of the Africans, and asking the interposition of the Executive in procuring their liberation, and indemnity for the losses and injury sustained by them.
7. Letter in reply, from Mr. Forsyth, of Oct. 24, 1839, stating that the agency of the Government can not legally be afforded, referring Ruiz and Montes to the laws of New York for relief and redress, and saying that instructions have been given Mr. Butler, U. S. Attorney, "to put himself in communication with these gentlemen, to offer his advice and his aid, if necessary."
8. De Argaiz to Mr. Forsyth, Nov. 5, 1839, informing him that he had been to New York, to confer with Mr. Butler, and left "delighted with the affability and courtesy of Mr. Butler," although that officer could find no means of obtaining the liberty of Ruiz—arguing against the incompetency of the courts of the U. S. with regard to the matter of the Amistad, and declaring that his Sovereign would hold this Government "responsible for the consequences which may grow out of this affair."
9. A. Vail, Acting Secretary of State, to De Argaiz, saying the President had directed an inquiry into the circumstances of the arrest of Mr. Ruiz, for the purpose of procuring his release from imprisonment, as requested by the Chevalier.
10. Letter of De Argaiz to Mr. Forsyth of Nov. 26, 1839, asking by what law the U. S. Court in Connecticut bases its right to take cognizance of the case, contending that they have no right, and declaring that the General Government of the Union will be held responsible.
11. Same to the same, dated Nov. 29, 1839, acknowledging the copy of the opinion of Mr. Butler, and arguing that it is contrary to the treaty; that Senor Ruiz (Montes having been bailed and gone home to Cuba) shall have found "favor, protection, and help," in the United States; that the Government ought to defend him officially, bailing him, and setting him at liberty. And this "the undersigned, Envoy Extraordinary and Minister Plenipotentiary of Her Catholic Majesty, now demands in virtue of the letter and sense of the stipulations in the treaty."
12. Mr. Forsyth, in reply to the Chevalier, of Dec. 12, 1839, expressing his regret that he has not formed an accurate conception of the true character of the question, nor of the rules by which the examination must be conducted, assuring him that the causes of the "vexatious delay" are beyond the control of the Government, and showing that the provisions of the treaty have not been violated.
13. De Argaiz to Mr. Forsyth, of Dec. 25, 1839, replying to certain "insinuations" in his last note, and requesting that the President cause a protest, founded upon his argument, to be officially addressed to the court at New York.
14. Same to the same, dated Dec. 30, 1839, requesting the President, in consequence of the intimations given by Mr. Forsyth in a conversation a day or two previous, in case the Court decides favorably, to place the negroes at the disposition of the Captain General of the island of Cuba, *transporting them thither in a ship belonging to the United States*. And "Her Catholic Majesty's Government, I venture to assert, will receive this act of generosity as a most particular favor, which would serve to strengthen the bonds of good and reciprocal friendship now happily reigning between the two nations," and consider it a "new proof of friendship, for which I now, by anticipation, give thanks."
15. Mr. Forsyth to De Argaiz, of January 6, 1840, stating that in the event of the decision of the court being such as is anticipated, the Amistad and goods will be delivered to any person the Chevalier may designate, and *the President will cause the necessary orders to be given for a vessel of the United States to be held in readiness to receive the negroes and convey them to Cuba, with instructions to the commander to deliver them to the Captain General of the island*.
16. Mr. Holabird to Mr. Forsyth, of Sept. 5, 1839, asking for instructions, &c., stating that our courts cannot take cognizance of any offence these Africans have committed.
17. Extracts of a letter from the same to the same, of Sept. 9, 1839, inquiring whether there are not any treaty stipulations that would authorize our Government to deliver the blacks up to the Spanish authorities; and if so, whether it can be done before our court sits.
18. Mr. Forsyth to Mr. Holabird, of Sept. 11, 1840, directing him to take care that no proceeding of the court, or any other tribunal, places the vessel, cargo or slaves beyond the control of the Federal Executive.
19. Holabird to Forsyth, of Sept. 21, 1839, that he had filed bills of indictment against the negroes for murder, and a libel against the negroes, on behalf of the United States, praying the court to decree that the marshal hold them subject to the order of the Executive, &c., and saying, "the court charged that they had jurisdiction of any offence they (the negroes) may have committed on board that vessel."\*
20. Forsyth to Holabird, of Sept. 23, 1839—for copies of the ship's papers, and a transcript of the proceedings of the court of inquiry.
21. Holabird to Forsyth, sending copies of the papers—among them is a "passport for 49 slaves belonging to J. Ruiz."
- "HAVANA, JUNE 26, 1839,  
I grant permission to forty-nine sound negroes,† named Antonia, Semon,  
&c.  
MARTINEZ."  
Havana, June 27, 1839.
- Passport for three slaves, belonging to P. Montez.  
"HAVANA, June 22, 1839.
- "I grant permission to three sound negro women,‡ named Juana,  
Francisca and Josefa, &c.  
MARTINEZ.  
Havana, June 27, 1839.
22. Judge Judson's warrant for the arrest of the Africans, with the return of the marshal, and the warrant of commitment.
23. Holabird to Forsyth, of Nov. 14, 1839, requesting authority to employ assistant counsel.
24. A. Vail, acting Secretary of State, saying, the President authorizes Mr. Holabird to expend two hundred dollars for assistant counsel.‡
25. Forsyth to Holabird, of Jan'y 6, 1840, stating that the President has, "AGREEABLY TO YOUR SUGGESTION, taken in connection with the request of the Spanish minister, ordered a vessel to be in readiness to receive the negroes from the custody of the marshal as soon as their delivery shall have been ordered by the court.¶
- \* It was exactly the reverse. Judge Thompson stated that no criminal offence had been committed by the Africans cognizable by the Courts of the United States. "If," said he, "the offence of murder has been committed on board a foreign vessel, with a foreign crew and with foreign papers, this is not an offence against the United States. It is an offence against the laws of the country to which the vessel belonged. The courts of the United States have, in such cases, no jurisdiction—but if the offence be against the laws of nations this court would have jurisdiction. A murder committed, as in the case of the Amistad, is not a crime against the law of nations, connected as it is with the slave trade." This extract is from the opinion of Judge Thompson, reported for the newspapers and extensively published at the time. The judge, after perusing this letter of Mr. Holabird, told the writer of this note that he had been made to say in it precisely the reverse of what he did say, and that his opinion was very correctly reported in the papers from which the above quotation is an extract.
- † "Sound negroes!" This is a fraudulent translation—See the original Spanish document. There the phrase is "negros ladinos," which, as is well known, means *negroes long settled in Cuba*, and acclimated there, and introduced before 1820—a term totally inapplicable to *Bozals* or negroes recently imported, literally *muzzled* or *dumb*. See deposition in District Court by Dr. Madden, British Superintendent of liberated Africans at Havana. And yet the officers of the United States Court have procured a translation of the Passport, in which "negros LADINOS" is made to read "sound negroes!" And this is contained in a public document, transmitted to Congress by the President of the United States, published by authority of the House of Representatives!!
- ‡ The words here translated "sound negro women," are in the original Spanish "negras ladinas," that is *negroes long settled in Cuba*.
- § Ralph I. Ingersoll, Esq., of New Haven, the gentleman selected by Mr. Holabird, under this authority.
- ¶ A most extraordinary procedure. The government could not wait, it seems, to learn the decision of the court before taking action to facilitate



26. Holabird to Forsyth, of Jan'y 11, 1840, that as the Executive warrant states that the negroes are held in custody under a process from the "Circuit Court," instead of the *District Court*, the marshal will not be able to justify under that warrant, "should the pretended friends of the negroes obtain a writ of habeas corpus."

27. Forsyth to Holabird, [CONFIDENTIAL] of Jan'y 12, 1840, returning the warrant corrected, and saying, "I have to state, by direction of the President, that if the decision of the court is such as is anticipated, the order of the President is to be carried into execution, unless an appeal shall actually have been interposed. You are not to take it for granted that it will be interposed."

28. Forsyth to Holabird, of Jan'y 17, 1840, directing him to take an appeal from the decision of Judge Judson that the prisoners be sent back to Africa, to the Circuit Court, at the desire of the President.

29. Opinion of the Attorney General,† advising that the Government of the United States should consider these negroes as the property of the claimants; that the United States cannot proceed against the negroes criminally; and that they should be delivered to the Spanish minister.

30. Letter from Messrs. Staples and Sedgwick to the President of the United States, of Sept. 13, 1839, which we insert at length.‡

the designs of the Spaniards in removing their victims from the shores of this free country. And this was done at the suggestion of the U. S. Attorney for the District of Connecticut, in connection with the request of the Spanish minister! In the sequel it will be seen that the object was to remove the Africans before the case could be appealed by their counsel. To W. S. Holabird, Esquire, of Connecticut, belongs the infamy of making this "suggestion," so eagerly entertained by the government of the United States.

\* Holabird dispatches a messenger to Washington, to have the warrant corrected, and for "additional instructions." The indecent haste of the government in affording facilities to the Spaniards to remove their victims is seen in the phraseology of the warrant of the President of the United States, in which the term "Circuit Court" is used for "District Court" an error requiring the dispatch of a special messenger to Washington to have it rectified, so that a legal warrant might be obtained from the seat of government before the conclusion of the trial, lest, perchance, an appeal should be entered, and thus the design of government be defeated!

† Mark this!—"You are not to take it for granted that it (an appeal) will be interposed." That is, if the Counsel for the Africans do not enter an appeal *instanter*, the Africans are to be hurried on board the U. S. schooner *Grampus*, and taken to Cuba—there to be made a terrific example of, to terrify the Bozal negroes not to make a similar strike for liberty!

‡ This remarkable letter has no signature, nor any date but 1839. But it is right that the world should know that the *Attorney General of the United States of America*, who gave this opinion to the President, after giving to the subject "all the consideration which its importance demands," was the Hon. Felix Grundy, from Tennessee, and now a Senator of the United States. What evidence this opinion furnishes of the fitness of the gentleman for the high office of Attorney-General, members of the legal profession may determine. It is sufficient to say, that it is contrary to the opinions of the most eminent jurists this country has produced, and it would seem that a lawyer who would venture on promulgating such doctrines was unfit to be even an attorney of the most inconsiderable district in the United States.

§ Messrs. Staples and Sedgwick to the President of the United States.

NEW YORK, September 13, 1839.

Sir: We have been engaged as counsel of the Africans brought in by the Spanish vessel, the *Amistad*; and, in that capacity, take the liberty of addressing you this letter.

These Africans are now under indictment in the circuit court of the second circuit on a charge of piracy, and their defence to this accusation must be established before that tribunal. But we are given to understand, from authority not to be doubted, that a demand has already been made upon the Federal Government, by the Spanish minister, that these negroes be surrendered to the authorities of his country; and it is on this account that we now address you.

We are also doubtful that these slaves are claimed under the 9th article of the treaty of 1795, between this country and Spain, by which all ships and merchandise rescued out of the hands of pirates and robbers on the high seas are to be restored to the true proprietor, upon due and sufficient proof.

We now apply to you, sir, for the purpose of requesting that no order may be made by the Executive until the facts necessary to authorize its interposition are established by the judicial authority in the ordinary course of justice. We submit that this is the true construction of the treaty; that it is not a mere matter of Executive discretion; but that, before the government enforces the demand of the Spanish claimant, that demand must be substantiated in a court of justice.

It appears to us manifest that the treaty could never have meant to have submitted conflicting rights of property to mere official discretion, but that it was intended to subject them to the same tribunals which, in all other cases, guard and maintain our civil rights. Reference to the 7th article, in our opinion, will confirm this position.

31. The Secretary of State to B. F. Butler, Esq., Attorney U. S. for Southern District of N. York, of Oct. 24, 1839, in which he says, "the President, thinking that your agency might be useful to Messrs. Ruiz and Montes, desires you to put yourself in communication with those gentlemen, and to offer them your advice, (and your aid, if necessary,) as to any measure which it may be proper for them to take to obtain their release, and any indemnity to which, under our laws, they may be entitled for their arrest and detention."

32. Mr. Butler's reply, saying he will promptly render to Mr. Ruiz all the aid in his power.

33. Mr. Butler to John B. Parroy, Esq., Ruiz and Montes' attorney, requesting him to convey to Ruiz his letter offering advice and aid.

34. B. F. BUTLER, UNITED STATES ATTORNEY, to Mr. JOSE RUIZ, informing him that the Secretary of State has instructed him to put himself in communication with him, Ruiz, and to offer advice and aid. "This offer," Mr. B. says, "I have now the honor to make, and whenever I may be called on in your behalf, I will give such attention as may be in my power to your interests."

35. A. Vail, Acting Secretary, to Mr. Butler, of Nov. 9, 1839, saying the President having received another note from the Spanish minister, wished to know the state of proceedings with reference to the arrest of Ruiz and Montes.

36. Mr. Butler to Mr. Vail, saying he had visited Mr. Ruiz in jail, and "obtained from him all the material facts of his case;" that he had

It will be recollected that, if we adopt this as the true construction of the treaty, should any occasion ever arise when our citizens shall claim the benefit of this section, Spain would be at liberty to give it the same interpretation; and that the rights of our citizens will be subjected to the control of subordinate ministerial agents, without any of those safeguards which courts of justice present for the establishment of truth and the maintenance of rights. We submit, further, that it never could be intended that the Executive of the Union should be harassed by the investigation of claims of this nature, and yet, assuredly, if the construction be contended for be correct, such must be the result; for, if *he* is to issue the order upon due and sufficient proof, the proof must be sufficient to *his* mind.

We further submit that, in regard to the Executive, there are no rules of evidence nor course of proceeding established; and that, in all such cases, unless the claimant be directed to courts of justice, the conduct of the affair must, of necessity, be uncertain, vague, and not such as is calculated to inspire confidence in the public or the parties. We can find nothing in the treaty to warrant the delivery of these individuals as offenders; and the Executive of the Union has never thought itself obliged under the laws of nations, to accede to demands of this nature.

These suggestions are of great force in this case, because we, with great confidence, assert, that neither according to the law of this, nor that of their own country, can the pretended owners of these Africans establish any legal title to them as slaves.

These negroes were, it is admitted, carried into Cuba, contrary to the provisions of the treaty between Spain and Great Britain of 1817, and of the orders made in conformity therewith; orders which have been repeated, at different times, to as late a date as the 4th November, 1838, by which the trade is expressly prohibited; and if they had been taken on board the slaver, they would have been unquestionably emancipated.

They were bought by the present claimants, Messrs. Ruiz and Montes either directly from the slaver, or under circumstances which must, beyond doubt, have apprized them that they were illegally introduced into the Havana; and on this state of facts we, with great respect, insist that the purchasers of Africans illegally introduced into the dependencies of a country which has prohibited the slave trade, and who make the purchase with knowledge of this fact, can acquire no right. We put the matter on the Spanish law; and we affirm that Messrs. Ruiz and Montes have no title, under that law, to these Africans.

If this be so, then these negroes have only obeyed the dictates of self-defence. They have liberated themselves from illegal restraint, and it is superfluous to say that Messrs. Ruiz and Montes have no claim whatever under the treaty.

It is this question, sir, fraught with the deepest interest, that we pray you to submit for adjudication to the tribunals of the land. It is this question that we pray may not be decided in the recesses of the cabinet, where these unfriended men can have no counsel and can produce no proof, but in the halls of Justice, with the safeguards that she throws around the unfriended and oppressed.

And, sir, if you should not be satisfied with the considerations here presented, we then submit that we are contending for a right upon a construction of a treaty; that this point, at least, should be presented to the courts of justice; and, should you decide to grant an order surrendering these Africans, we beg that you will direct such notice of it to be given, as may enable us to test the question as we shall be advised, by habeas corpus or otherwise.

We have only, sir, to add, that we have perfect confidence that you will decide in this matter with a single regard to the interests of justice and the honor of the country, and that we are, with the greatest respect, your most obedient servants,

SETH P. STAPLES,  
THEODORE SEDGWICK, Jr.

MARTIN VAN BUREN, Esq.,  
President of the United States.



had a conference with Mr. Purroy; had inquired into the laws of Cuba; that "fortunately, we obtained the assistance of a very competent Spanish lawyer, recently from Havana; and advising that on the whole, Ruiz give bail, and that the United States cannot, at present, take any further step for the benefit of Mr. Ruiz."

37. Memorandum from the Department of State, of Jan'y 2, 1840, that orders, "not to be communicated to any one," be given to Lieutenants Gedney and Meade to hold themselves in readiness to proceed to Havana in a vessel, that is to anchor off the port of New Haven to be in readiness to receive the negroes and proceed with them to Havana.

38. J. K. Paulding, Esq., Secretary of the Navy to Mr. Forsyth, of Jan'y 2, 1840, that the United States schooner Grampus, Lieutenant John S. Paine, has been ordered to proceed to the Bay of New Haven, and that Gedney and Meade have been ordered to take passage in her to give testimony.\*

39. The Secretary of State to the Secretary of the Navy, of January 7, 1840, informing him that it will be necessary for Lieut. Paine, on his arrival off New Haven, to place himself in communication with Mr. Holabird, the Attorney of the U. S., "in order that he may receive the earliest information of the decision of the court," enclosing an order from the President for the negroes; and stating that Lieut. Paine will receive a copy of the records, documents, &c., for the authorities at Cuba.

40. Fortiethly, and finally, a WARRANT FROM THE EXECUTIVE in the following terms:

The marshal of the United States for the district of Connecticut will deliver over to Lieutenant John S. Paine, of the United States navy, and aid in conveying on board the schooner Grampus, under his command, all the negroes, late of the Spanish schooner Amistad, in his custody, under process now pending before the circuit court of the United States for the district of Connecticut.† For so doing, this order will be his warrant.

Given under my hand, at the city of Washington, this 7th day of January, A. D. 1840.

M. VAN BUREN.

By the President:

JOHN FORSYTH, Secretary of State.

[It appears amazing that the Chief Magistrate of a Christian nation should have taken such a step as this. It is so atrocious that some of Mr. Van Buren's friends assert that the warrant was dispatched without his knowledge! If so, will he let his reputation continue to suffer in this matter, in order to screen his secretary? Time may unfold the facts on this point, although we do not believe that all the dark designs of the government, in relation to these defenceless Africans, will be unfolded till the judgment day. Doubtless letters have passed between Mr. Forsyth and his tool, the Attorney of Connecticut, that will not be found on the Records of the Department of State, or possibly elsewhere.]

\* When the Grampus appeared in Long Island Sound last January, and anchored off the port of New Haven, it was generally supposed that it was in contemplation of government to remove the Africans to their native land in pursuance of the righteous decree of the District Judge. The friends of the Africans expressed fears that it was the design of government to send them to Cuba, but scarcely a person credited such an intimation. Those fears, it will be seen, were but too true. The knowledge of the facts will, it is believed, fill the breasts of true hearted Americans with indignation at the conduct of their government, while it exposes them to the scorn of the civilized world.

† Circuit Court—instead of District Court. This error shows extraordinary haste, to say the least, and had well nigh defeated the intentions of government in dispatching the U. S. Schooner Grampus to be ready to receive the Africans if the decision of the District Judge had been as was hoped and expected. It may be said in this instance as was remarked by a quaker lady to the claimant of a fugitive slave who was baffled in an attempt to remove his victim from a free State into bondage—"Thy prey hath escaped thee!" The good providence of Almighty God has hitherto protected these unfortunate Africans. Prayer is daily ascending on their behalf. A strong and anxious sympathy is felt in the community, and it will not be the fault of those who have expended much time and money in their defence, or of the eminent counsel who have been and will be employed, if the Africans shall be given up to the tender mercies of the Spaniards.

#### "DOC. NO. 185."—AMISTAD CAPTIVES.

One of the Executive Committee has received from the Hon. John Quincy Adams, a pamphlet of six pages, relating to the "Spanish Schooner L'Amistad," which was laid before the House of Representatives by the Chairman of the Committee on Foreign Affairs, July 2d, 1840, "to be annexed to Doc. 185," which was published in May last. This pamphlet contains a letter to the Secretary of State, from the Spanish minister, THE CAVALLERO

PEDRO ALCANTARA ARGAIZ, ("I love to give the whole name," said the Vicar of Wakefield,) dated October 22d, 1839, with a translation. When the Document was originally published, we perceived that one letter of the Spanish envoy was omitted, and thereby a link in the correspondence broken, but why it was suppressed we could only conjecture. From the harmlessness of the note of the Chevalier de Argaiz, now published, we are satisfied that it was omitted solely in consequence of the haste with which the documents were transmitted to Congress. The subject of the note is a complaint of the arrest of "Don Jose Ruiz, and Don Pedro Montes," in this city, at the suit of "three men of color," as the Envoy styles them; a request that Ruiz and Montes may be liberated and indemnified; and that the "Schooner Amistad, and her whole cargo may be restored." The Chevalier takes pains to show "the ignorance of the declarant, Tappan, in declaring that Ruiz is known by the name of Pipi, whereas he would have been known and distinguished throughout Spain, as all other Joses are, by the diminutive of Pepe; and thus it appears that a Pepe has been imprisoned instead of a Pipi, which, I believe, the law does not permit." Monstrous! The fact is, the affidavits of Jinguia and his comrades were prepared at New Haven, and the orthography of *Pipi* was not altered when they were received here. It was deemed a trivial matter whether the "diminutive" of Ruiz was spelled Pepe or Pipi. But it is singular enough that the Spanish minister should 'show his ignorance' in so many particulars, not only in titles, but in matters of some importance. He speaks of the "orders for imprisonment, signed by Theodore Sedgwick, jr. attorney, Joseph Hoxie, C. H. Clinton, clerk,"—"the orders for which have been possibly obtained from the attorney by surprise"—confounding the order for arrest, signed by the judges, for the attestations of the clerks of court and the plaintiff's attorney to the writs. He asserts that the courts of the United States have no cognizance of wrongs committed on board Spanish vessels—reiterates this—and quotes from the treaty in proof of the assertion, when it is notorious that foreigners can bring suits in our courts against foreigners for assaults committed on board foreign vessels on the high seas. Herein, if disposed, we might apply to him the accusation he makes against Mr. Tappan, "acil seria demostrar la ignorancia del juramentado," Argaiz. The Chevalier says, "the three men of color declare their state of Slavery by confessing (in their affidavits) that they have been sold," and he exclaims, "how, when, in what country, at what period of history, has a slave been considered as enjoying civil rights?" This is truly a *Spanish* mode of proving that the Africans were slaves, and had so confessed. The envoy exhibited an ignorance almost ludicrous of the power of the Executive and the nature of the writ of *habeas corpus*, (have they no such writ in Spain?) when he gravely asks the Executive of this country to cause the Spaniards to be liberated by "the law of *habeas corpus*." He concludes by lamenting in the grandiloquent style of Hispaniola, that, "at the moment when the heart of the august Queen Governor is filled with delight on account of the termination of a civil war, and the assurance of the throne of her august daughter," he has to perform the painful duty "of diminishing her happiness" by communicating "the disagreeable event" of the arrest and imprisonment of Ruiz and Montes! No sympathy is expressed for the wrongs perpetrated on the Africans by the piratical conduct of two of her majesty's subjects, neither is any indignation expressed that the laws and treaties of Spain, and the ordinances and decrees of its sovereign, have been set at naught by these Spanish subjects. The Spanish envoy, however, and all the liege subjects of the Queen of Spain in the United States, have learned by this time that in our courts—at least in the State of New York—"a man's a man," and that neither Don Montes nor his associate, known by "the diminutive of Pepe," can assault and flagellate a man—a man of color even—and afterwards meet him on these shores without being subject to the grasp of American law.

#### LETTER TO THE PRESIDENT OF THE UNITED STATES.

New York, September 9th, 1840.

TO MARTIN VAN BUREN, PRESIDENT OF THE UNITED STATES:

I doubt not that you will acknowledge, sir, the propriety of my addressing you directly on the subject of this communication, when you understand the contents of my letter. On the 24th April last, I wrote to my brother, a member of the Senate, as follows:—

New York, April 24th, 1840.

DEAR BROTHER,—I want you to do me a great favor, respecting the Africans, whose trial comes on at New Haven, 29th inst. We have tried in vain to get authenticated copies of the treaty between Spain and Great Britain, prohibiting the slave-trade—the decree of the King of Spain, of 1817, a translation of which is in Wheaton's Reports—and the Ordinance of the Queen of Spain of November, 1828.

The District Attorney, on the trial in the District Court, insisted on our producing proof of the authenticity of the document before he would consent to the counsels reading them. Mr. Baldwin, one of the counsel, wrote to Mr. Forsyth, to be informed whether the United States would insist on such proof in the Circuit Court, and if so, asking him to furnish it from the files of the Department of State, for the purposes of justice. Mr. Forsyth replied that neither the Spanish, nor the English copy of the treaty were on the files, nor the Decree, nor the Ordinance of the Queen. And yet, in the Documents accompanying a message of President Monroe to the House of Representatives, January 1820 or 1821, relative to the slave trade, it appears that the treaty between Spain and Great Britain, prohibiting the slave trade, was officially communicated to our Government by Don Onis, and by Lord Castlereagh, in 1828, and that subsequently a parliamentary document was communicated by Lord Castlereagh to Mr. Rush, and by him transmitted to Washington, containing "all that had been then done by the powers of Europe on the subject of the slave trade"—of course containing, as we suppose, the Decree of the King of Spain, a copy of which is in Wheaton's Reports. Mr. Forsyth did not reply to



the inquiry whether the United States would insist on the proof required by the District Attorney. It would seem that our Government ought not to take sides against these Africans.

About two weeks since, Mr. Baldwin wrote to the President, stating the above facts, and, in the belief that neither the government of Spain, nor of the United States could desire to deprive the Africans of the benefit of the fact that the importation of slaves into Cuba was prohibited by the law of Spain, expressed a hope that the President would cause instructions to be given to the District Attorney to admit on the trial the authenticity of the documents referred to, or that he would apply to the Spanish minister for copies to be placed on the files of the Department of State, so that we can obtain copies of them to be used on the trial. *The President has not yet replied.* Will you see him forthwith, and let me know the result? If copies can be obtained, will you get them at my expense immediately? If they cannot, will you get the President's permission that the translations in Wheaton, &c. may be received in evidence. No time should be lost. I believe you can accomplish this.

Yours truly,

LEWIS TAPPAN.

On the 25th April he replied as follows:—

"As soon as I received your letter I went to the President, and he read it, and wrote on the back of it an order to the Secretary of State, to furnish the copies, and admit Wheaton, if correct. I lost no time in taking this to the Secretary's Office, but it was too late, as it was shut and would not be opened until Monday at 10 o'clock. I shall hear from him on Monday. I have now sent the letter and endorsement to him. I trust it will be in time.

Having reason to believe that the United States Attorney for the District of Connecticut had not received the instructions referred to, or that he professed not to have received them, I addressed a letter to the Secretary of State on the 25th August, to know whether they had been communicated to Mr. Holabird. To this letter the following reply was received.

DEPARTMENT OF STATE,  
Washington 28th August, 1840.

LEWIS TAPPAN, ESQUIRE, New York.

SIR,—Your letter of the 25th instant has been received, and in reply I have the honor to state, that instructions were given to the United States Attorney for the District of Connecticut, to the extent to which the President thinks himself authorized to interfere in the subject of your communication.

I am, sir, very respectfully,

Your obedient servant,

J. L. MARTIN, Acting Secretary.

I immediately communicated to the District Attorney the fact that I had received the above, and requested to know the extent of the instructions received, if he deemed it proper to do so. The District Attorney replied:

Winchester, Connecticut, 5th Sept. 1840.

DEAR SIR,—I have never received from the Department of State, or from any other department of the Government, instructions to make the admission which you refer to, nor to make any other admission in the case.

I well remember the remark of Mr. Baldwin to me at the last term of the court, "that I should receive instructions to make the admission," and expected from the facts which he stated to me to receive such instructions. Had I at any time received such instructions, I should immediately have communicated the fact to Mr. Baldwin.

On reading your letter to-day, in which you say you are informed that instructions were given to me, &c., I have examined all the papers in my possession relating to the case, (thinking that I might possibly have received and mislaid, or overlooked them,) and am fully satisfied that no such instructions have ever reached me.

I certainly should have no disposition to withhold the admission, were I authorized to make it.

Very respectfully, Yours, &c.

W. S. HOLABIRD.

LEWIS TAPPAN, Esq.

Before receiving the above letter I had learned, by a letter from Mr. Holabird to Mr. Baldwin, that he had not received any directions from Washington to admit the authenticity of the documents, and thereupon addressed the following letter to Mr. Martin, Acting Secretary of State:

New York, September 3, 1840.

J. L. MARTIN, Esq., Acting Secretary of State.

SIR—I have had the honor to receive your letter of the 28th August, and have just learned by a letter from Mr. Holabird, United States Attorney for the District of Connecticut, to R. S. Baldwin, Esq. of New Haven, that he has not received from the Department of State authority to make any admissions regarding the illegality of the importation of Africans as slaves, OR AS TO THE AUTHENTICITY OF THE TREATIES OF

THE SPANISH GOVERNMENT, and therefore does not feel at liberty to make any.

The circumstances of the case seem to justify me in asking your immediate attention to the matter. The President, on the request of Senator Tappan, wrote upon my letter instructions to the Secretary of State, to direct the District Attorney to admit the authenticity of the Treaties, &c. of the Spanish Government, as found in Wheaton's Reports and the documents published by order of Congress. My brother left that letter, thus endorsed, with Mr. Forsyth. I respectfully request that the directions of the President may be complied with. If there exists any mistake, as to the directions given, I will thank you to apprise me of it, in order that a new application may be made to the President seasonably. The Circuit Court is to sit at Hartford on the 17th instant.

We have used every exertion to procure authentic copies of the Treaties referred to, from the Havana, London, and Washington, in vain; the Attorney of the United States refuses to admit the authenticity of copies of the Treaties found in the Reports of the Supreme Court of the United States, and in Public Documents; and surely we shall not appeal in vain to the President of the United States, in a case involving the dearest rights of these Africans, and the honor of the Government and the nation, to authorize the admission of the authenticity of well known official papers in the pending trial.

I therefore earnestly and respectfully request that you will lay this communication before the President, and favor me, as early as possible, with his reply.

I am, sir, very respectfully, your obedient servant,

LEWIS TAPPAN.

P. S. The documents referred to are—The treaty between Spain and Great Britain prohibiting the slave trade; the Decree of the King of Spain of 1817, (a translation of which is in Wheaton's Reports,) and the Ordinance of the Queen of Spain of November, 1838. President Van Buren has a particular description of the documents in question, in a letter from R. S. Baldwin, Esq., dated April, 1840. You will find also a letter to Mr. Forsyth from Mr. Baldwin.

To the above letter I have just received the following reply:

DEPARTMENT OF STATE,  
Washington, 7th September, 1840.

LEWIS TAPPAN, ESQUIRE, New York.

SIR,—In reply to your letter of the 3d inst. I have to state, that the President sees no reason to change the directions given to the United States Attorney for the District of Connecticut, in a communication from this Department on the 30th April, last.

I am, Sir, very respectfully,

Your Obedient Servant,

JOHN FORSYTH.

It is only necessary, sir, that I should call your attention to the fact that the order given by you to the Secretary of State on the 25th April, by an indorsement on my letter to Benjamin Tappan, Esq. under your own hand, *has not been complied with*, as has been shown in the above extracts and copies of letters, and respectfully and earnestly to implore you on behalf of the Africans of the Amistad, that you would give such directions as will insure a compliance therewith previous to the trial to take place at Hartford, Conn., on the 17th instant. The humblest citizen should not appeal to the Executive for justice in vain, and an appeal on behalf of defenceless foreigners thrown, in the providence of God, upon the tender mercies of the government of this free nation, will not, surely, be disregarded or evaded. The documents mentioned are thought to be essential in the defence of these poor Africans; it is in your power, sir, to cause their authenticity to be admitted on the trial; you have promised to do so; the attorney of the United States denies that he has received instructions to that effect; and the facts are now submitted to you for your further action in the premises. With great respect, I remain, sir, your fellow citizen.

LEWIS TAPPAN.

TO THE PRESIDENT OF THE UNITED STATES.

It will be seen from the following letter that the foregoing appeal to the President was successful:—

DEPARTMENT OF STATE,  
Washington, 12th September, 1840.

LEWIS TAPPAN, Esq., New York.

SIR:—Your letter to the President, of the 9th inst, has been referred to this Department, with directions to inform you, that believing it to be right that the Africans of the Amistad should have the benefit of any documents of the character described by you, the President directed copies of them to be delivered to their counsel. You have already been apprised why this direction was not complied with. Upon a mature consideration of the propriety of directing the District Attorney to admit their existence and the authenticity of such copies as were within reach, on the trial, the President found reason to question his authority to interfere, in that form, with the proceedings of the Court. A communication, a copy of which accompanies this, was consequently made to the District Attorney of Connecticut, which directs all that the President felt himself authorized to do in the matter. As it is possible, and from the tenor of his communication to you, not improbable, that the letter from the Department of State of the 30th April last may not have reached that officer, a copy thereof was yesterday forwarded to him.

I am, sir, your obedient servant,

JOHN FORSYTH.



[The following was enclosed in the preceding.]

DEPARTMENT OF STATE,  
Washington, April, 30th, 1840.

W. S. HOLABIRD, Esq.

U. S. Attorney, Dist. of Connecticut.

Sir:—Application has been made to this Department by the Counsel for the Africans, in the case of the *Amistad*, for instructions to you, to admit as authentic, at the trial of the case before the Circuit Court, the copies offered as evidence in behalf of the Africans at the former trial of the same case before the District Court, of the decree of the King of Spain, of 1817, the ordinance of the Queen, of the 2d Nov. 1838, and the treaty between Spain and Great Britain, of 1817, in relation to the suppression of the Slave trade in the Spanish possessions.

The President is of opinion, that, inasmuch as all matters relating to judicial proceedings appertain exclusively to a department of the Government entirely distinct from, and independent of, that over which he presides, he has no right whatever to interpose in the manner desired of him.

He has no doubt, however, of the authenticity of the copies of the documents referred to, which have been presented at the former trial by the counsel of the Africans, and he has accordingly instructed me to say that he does not see any necessity for denying it, provided there is an understanding on the part of those gentlemen, that they are to extend to you the same or corresponding admissions, should you have occasion to offer on the part of the United States, evidence drawn from papers of a similar character. You will not fail to remember, however, that those documents are not considered as relevant or competent evidence in the case pending, as the questions arising under them, according to the opinion of the Attorney General, belong to the tribunals of Spain to decide, and not to those of the United States.

It is only in the event of a decision by the Court that such evidence is proper and competent, that the suggestion now made will be for your consideration.

I am, sir, your obedient servant,  
JOHN FORSYTH.

Before, however, the letter of the Secretary of State, dated September 12th, enclosing a copy of the instructions, dated April 30th, could have reached Mr. Holabird, he had found, it would seem, the original letter from the department, to which he had been referred by Mr. Tappan, and consequently addressed the following letter to him *as if he had received fresh instructions*, from the Secretary of State, although it is evident, from the date, that he must have acted upon the instructions of April 30, which he had kept secreted. Whether the blame all lies with him, or should be divided between him and others, the public will judge.

DEAR SIR—

Winchester, 11th Sept., 1840.

I am authorized, and will admit, in case of the *Amistad* and negroes, before the Circuit Court, in making up the record for the Supreme Court, the authenticity of the decree of the King of Spain of 1817—the ordinance of the Queen of the 2d Nov., 1838, and the treaty between Spain and Great Britain of 1817.

Yours, respectfully,

LEWIS TAPPAN, Esq.

W. S. HOLABIRD.

The facts connected with this correspondence seem so extraordinary, that it was deemed proper to advise the President of the *apparent* tergiversation of the District Attorney, and to ask an explanation of Mr. Holabird. His explanation adds to the extraordinary features of the case. That a communication from the Department of State to a District Attorney, *respecting a cause on trial*, should be misdirected; that the Attorney, on receiving it subsequently, should have kept it four months without breaking the seal to know its contents—especially after being applied to so particularly to know if he had not received the instructions contained in the dispatch—and after he had searched all his papers in quest of the document—are strange circumstances. Some may be censorious enough to suppose that if the communication was misdirected, it was done so intentionally, in order to comply with the promise given by the Executive, and at the same time to prevent the Africans from having the benefit of the authentication of the documents. And, we must confess, that such a surmise is very natural, after the well known fact that the Executive actually dispatched a sloop of war, the *Grampus*, to lie on and off New Haven, January, 1840, to receive the Africans on board and convey them to the Havana, in anticipation of the District Attorney, and the United States Marshal\* being able to effect such a deed before the counsel of the Africans could have opportunity to enter an appeal to a higher judicial tribunal! But it is not for us to say where the blame attaches. We lay before our readers the correspondence, and they will form their own opinions. At the same time we may say that, some of the wisest and best men in the community, who are well acquainted with judicial and executive affairs, do not hesitate to avow the opinion, that political considerations, or unworthy subserviency to the slaveholding interests of the country, have held, and do hold, the lives of these hapless Africans in ex-

\* In the extreme haste to dispatch the warrant of the President to the Marshal, the name of the court, it will be recollected, was overlooked. As the warrant designated it the District Court, instead of the Circuit Court, it had to be returned to Washington for correction. This circumstance, if the vigilance of the Counsel, and the friends of the Africans, had not prevented the design of the Executive from being carried into effect, would have saved the Africans from being hurried off from these shores, and consigned to certain death in Cuba.

trema peril. To them, and to many eminent legal gentlemen, the course to be pursued by the Judiciary and Executive has, from the beginning appeared very plain. But, as Judge Thompson has remarked, "it is an anomalous case!"

In answer to an inquiry respecting the positive denial of the Attorney, in his letter of the 5th September, he writes as follows:—

Winchester, September 28, 1840.

SIR—Yours of the 24th instant was duly received, and in answer to the same, I have to say, that on the 5th instant, the time I wrote you, I had no knowledge of ever having received any instructions on the subject named, and was confident that I had received none, as my attention had been called to the subject by yourself and Mr. Baldwin, during the April term of the Circuit Court, and subsequently by a note from Mr. Baldwin. After I received your letter of the 9th instant, referring particularly to a communication from the Secretary of State to me, of the 30th April last, I set about a full examination of all the papers in my office, thinking that *possibly*, such a communication might have reached me, and had been mislaid; to my surprise, I found, (among papers not belonging to the *Amistad* case,) and *unopened*, the communication referred to, directed to me at *Litchfield*; how long it remained in the post office at Litchfield, or at what time it reached me, I am wholly unable to say, as I have no recollection of having received it. By the return mail I wrote you, and also Mr. Baldwin, that I was authorized to admit the authenticity of the Spanish documents.

I have received no other instructions from the Department of State on that subject.

Very respectfully, yours, &c.

LEWIS TAPPAN, Esq.

W. S. HOLABIRD.

## ROYAL ORDER.

MINISTRY OF MARINE, COMMERCE, AND COLONIES—ROYAL ORDER.

MOST EXCELLENT SIR:—

It having come to the knowledge of Her Majesty, the august Queen Regent, that, in contravention of the orders on the subject, and of the principles of humanity and of public convenience, with infraction of the treaties lately concluded with the Government of Her Britannic Majesty, and placing in danger the principal interests of that precious island, clandestine introductions of black slaves have been made at some places, Her Majesty, who takes the greatest interest in the security and prosperity of the worthy inhabitants of that rich Colony, and who is convinced of the urgent necessity of putting a stop to such an abuse which may give rise to evils of the greatest transcendancy, has been pleased to resolve that your Excellency shall apply the strongest zeal in dictating the necessary measures for preventing this deplorable contraband, obliging the local authorities to prosecute with energy those who are engaged in it, and bring the perpetrators before the competent tribunals for their exemplary punishment.

I communicate this to your Excellency by express royal order for your information, and by the same I also send a copy to the naval commander of the station, in order that he may contribute, with the forces under his command, towards carrying into effect the beneficent wishes of Her Majesty.

God preserve your Excellency, &c.

PONZOA.

Madrid, 2d November, 1838.

## THE BRITISH GOVERNMENT AND THE AMISTAD.

Parliamentary papers, just published, furnish gratifying evidence of the part taken by her Majesty's government in relation to this vessel, in the following letter of Mr. Jerningham to the Spanish minister.—*British and Foreign Slavery Reporter*.

Madrid, January 5th, 1840.

SIR,—I have the honor to acquaint your Excellency, that her Majesty's government received information that in the course of the last summer the *Tecora*, a vessel under Portuguese colors, imported from Africa direct to the Havana a cargo of negroes as slaves; and that, about six weeks after the arrival of these newly imported negroes at the Havana, forty-nine of them were purchased in the public slave-market in that place by Joze Ruiz, and four more by Pedro Montes.

Ruiz and Montes then engaged the Spanish schooner *Amistad* to carry these negroes, together with themselves and stores, to another port in Cuba. During the passage the negroes, with a view of recovering their liberty, seized possession of the vessel, put the master to death, and ordered the remaining whites to direct the course of the vessel to the coast of Africa. These whites, however, navigated the vessel towards the coast of the United States of America, until they were fallen in with by the United States brig of war, *Washington*, which conducted the *Amistad* to the port of New London.

The negroes were subsequently put upon their trial before the district court at Hartford for the murder of the Spanish captain; but it appears that this court expressed doubts of its having jurisdiction in the case, and that in the mean time the Spanish minister at Washington demanded that the negroes should be given up to the authorities of Cuba, as the property of Messrs. Ruiz and Montes.

It is, however, to be observed, that since the year 1820, according to Spanish law, it has been illegal to import negroes from Africa into the Spanish dominions. As, therefore, these negroes had been newly imported from Africa into Cuba, and as, according to the law, they could not be imported as slaves, they must in the eye of the law be considered as free persons.



I have consequently been instructed by my government to call upon the government of her Catholic Majesty to issue, with as little delay as possible, strict orders to the authorities of Cuba, that, if the request of the Spanish minister at Washington be complied with, these negroes may be put in possession of the liberty of which they were deprived, and to the recovery of which they have an undeniable title.

I am further directed to express the just expectations of her Majesty's government that the Government of her Catholic Majesty will cause the laws against the slave-trade to be enforced against Messrs. Jose Ruiz and Pedro Montes, who purchased these newly imported negroes, and against all such other Spanish subjects as have been concerned in this nefarious transaction.

(Signed) G. S. S. JERNINGHAM.

To his Excellency Don Evaristo Perez de Castro,  
&c. &c. &c.

#### RECORD IN THE CASE OF THE AMISTAD.

The record, somewhat voluminous, of the proceedings in the District and Circuit Courts, has been made up by the Clerk of the District Court, Charles A. Ingersoll, Esq., and forwarded to the office of the Attorney General of the United States, at Washington. There it is to be printed, according to usual practice, for the use of the Justices of the Supreme Court and counsel. The Attorney General, H. D. Gilpin, Esq., promised us a copy, from which we hoped to have made extracts for the present paper, but it has not yet been received. We are able, however, to anticipate part of its contents, having in our possession part of the documents in manuscript, viz:—

1. The libel of Lieut. Thomas R. Gedney, his officers and crew, for saving "said schooner Amistad, and said cargo, and said slaves, which would otherwise, in all human probability, have been *totally lost to the owners thereof*," and praying that the Court would order "the said vessel, cargo and slaves now on board said vessel to be attached and taken by the process of this Honorable Court." Lieut. Gedney sets forth that the "54 slaves, viz, 51 male slaves, and the young female slaves were worth \$25,000," and prays that for the "great difficulty, exposure and danger," taken by the libellants in their "surprise upon the blacks," reasonable salvage should be decreed.

Pretty well this for the gallant officers of the United States' Navy!

2. The libel and complaint of Pedro Montes, in which this Spanish "gentleman" swears that the three black female slaves, and a black boy, were by him "legally purchased and owned in Havana, where slavery is tolerated and allowed by law, and in all parts of said island of Cuba." Don Pedro further "humbly insists that the aforesaid slaves, his property, ought by the laws and usages of nations, and of these United States, and according to the treaties between Spain and these United States, to be restored to this libellant." He prays that process of attachment and proceedings may be issued against the aforesaid slaves, &c.

3. The libel, &c. of Jose Ruiz, in which he swears that he put on board the Amistad "Forty-nine black men, slaves, named and known in Havana as follows, Antonio, Simon, Lucas, Jose, &c. of whom several have died, as this libellant is informed and believes, . . . and the survivors of them, this libellant is informed are known, at present by the names following, viz: Cinquez, Burnah, &c. which said slaves were, and are now, the property of the libellant, and are of the value of \$22,000."

It is to be hoped that these "two Spanish gentlemen" will be held to answer to the charge of PERJURY, they having sworn to what has been proved to be false, knowing it to be such. Respecting the attorneys of these Spaniards, they have received Spanish gold for their services, in drawing these infamous libels and aiding these "scoundrels," as Judge Jay aptly denominates them, and verily they have their reward.

4. Libel or suggestion of District Attorney, Holabird as follows:

District of Connecticut, ss.

At a special District Court holden at Hartford on the 19th day of Nov. A. D. 1839.

THOMAS R. GEDNEY AND OTHERS,

vs.

SCHOONER AMISTAD.

Be it remembered that on the 19th day of November, A. D. 1839, William S. Holabird, Attorney for the United States for the District aforesaid, for and in behalf of the United States, gives this court to understand that the duly accredited minister of her Catholic majesty, the Queen of Spain, to the United States, has officially presented to the Government of the United States, a claim which is now pending upon the United States, setting forth and averring that said vessel called the Amistad and her cargo aforesaid, together with certain slaves on board of the same vessel, all of them being the same as described in the libel aforesaid, are the property of Spanish subjects, and that said vessel, cargo and slaves, while so being the property of said Spanish subjects, arrived within the jurisdictional limits of the United States, and of this Court, and were taken possession of by said public armed Brig of the United States, under such circumstances as make it the duty of the Government of the United States, to cause said vessel, cargo, and slaves, being the property of the said Spanish subjects, to be restored to the true proprietors and owners of the same, without further hindrance or detention, as required by the Treaty now in full force between the United States and Spain.

Now said Attorney in behalf of the United States, prays this Hon. Court that in case the claim aforesaid of the Spanish Minister aforesaid is well founded, and conformable to the Treaty aforesaid, that this Court will make such order for the disposal of said vessel, cargo, and slaves, as may best enable the United States to comply with their Treaty stipulations, and preserve the faith of the Government.

Signed,

W. S. HOLABIRD,  
United States District Attorney.

5. The answers of Jinqua, Burnah 1st, and the rest:

UNITED STATES OF AMERICA:

District of Connecticut, ss.

Special District Court, holden at New Haven, in said District, on the 7th of January, 1840.

To the Honorable Andrew T. Judson, Judge of the District Court of the U. S. in and for the District of Connecticut.

The several answers of Jinqua, Burnah 1st, Dammah, Fourrie 1st, otherwise called Foulewa, Shuma, Conoma, otherwise called Nazalee, Choolay, Burnah 2d, Baah, Pooma, Kimbo, Peak, Bang ye ah, Saah, Carle, Parli, monah, Nahgowl, Quato, Sesse, Con, otherwise called Keony, Fourrie 2d, otherwise called Foulewaalee, Kennah, Lamance, Fajarrah, Yabboy, Fa-quanah, Berri, Faminee, Chachaman Gabbo, otherwise called Galabaar, Carre, Temi, Kene, and Mahgru, Africans, now in the custody of the Marshal of said District, under color of process issued from this Hon. Court, on the 29th day of August, 1839, against the sch. Amistad, and the articles of personal property on board of her, lying in the harbor of New London, in said District, on the libel of Lieut. Thomas R. Gedney, a lieutenant in the U. S. navy, commanding the U. S. brig Washington, in the service of the U. S. in the coast survey, and on behalf of Richard W. Meade, a lieutenant on board said brig, and the officers and crew thereof, and all others interested or entitled, claiming salvage to be awarded to them by this Hon. Court, as for a meritorious service in seizing and securing the respondents severally and holding them as slaves to certain Spaniards belonging to the island of Cuba, named in said libel: and also under process of the Hon. Court issued and served at Hartford on the 18th of Sept., 1839, while the respondents were in custody of the Marshal of said District as aforesaid, viz., at Hartford, within the body of the State and District of Connecticut, on the libel of claim of W. S. Holabird, Esq., U. S. District Attorney for said District of Connecticut, and the libels respectively of Pedro Montes and Jose Ruiz; and also under process of this Hon. Court issued at Hartford aforesaid on the 19th day of November, 1839, on the claim and representation of the said District Attorney then and there made and filed.

The said respondents severally, by protestation, not admitting or acknowledging that the Government of the U. S., or any department, Court, or officer thereof, hath jurisdiction over the persons of these respondents, or any of them, by reason of any of the allegations and proceedings aforesaid, and not confessing or acknowledging any of the matters and things in the libellants' said several libels and claims to be true, in manner and form, as the same are therein and thereby alleged, appear before this Hon. Court, and, for answer to the several libels, claims, and representations aforesaid, severally say:

That they and each of them are natives of Africa, and were born free and ever since have been, and still of right are free and not slaves, as is said in several libels or claims pretended or surmised;—that they were never domiciled in the island of Cuba, or in the dominions of the Queen of Spain, or subject to the laws thereof;—that on or about the 15th day of April, 1839, they and each of them were, in the land of their nativity, unlawfully kidnapped, and forcibly and wrongfully, by certain persons to them unknown, who were then and there unlawfully and piratically engaged in the slave trade between the coast of Africa and the island of Cuba, contrary to the will of these respondents, unlawfully, and under circumstances of great cruelty, transported to the said island of Cuba, for the unlawful purpose of being sold as slaves, and were there illegally landed, for the purpose aforesaid.

That Jose Ruiz, one of the said libellants, well knowing all the premises, and confederating with the persons by whom the Respondents were unlawfully taken and holden as aforesaid, and intending to deprive the Respondents severally of their liberty, made a pretended purchase of the said Respondents, except the said Carri, Temi, Kene and Mahgru; and that the said Pedro Montes also well knowing all the premises and confederating with the said persons for the purpose aforesaid, made a pretended purchase of the said Carri, Temi, Kene, and Mahgru.—That said pretended purchases were made from persons who had no right whatever to the Respondents or any of them, and that the same were null and void, and conferred no right or title on the said Ruiz or Montes or right of control over the Respondents or either of them. That afterwards on or about the 28th day of June, 1839, the said Ruiz and Montes, confederating with each other, and with one Raymon Ferrer, now deceased, Captain of said Schooner Amistad, and others of the crew thereof, caused respondents, severally, without law or right, under color of certain false and fraudulent papers by them procured and fraudulently used for that purpose, to be placed by force on board said Schooner, to be transported with said Ruiz and Montes to some place unknown to the Respondents and there enslaved for life:—That the Respondents, being treated on board said vessel by said Ruiz and Montes and their confederates, with great cruelty and oppression, and being of right free as aforesaid, were incited by the desire of returning to their families and kindred, to take possession of said vessel, while navigating the high seas, as they had right to do, with the intent to return therein to their native country, or to seek an asylum in some free state where slavery did not exist, in order that they might enjoy their liberty under the protection of its government;—that said schooner, on or about the 26th of August, 1839, arrived, in the possession of the Respondents, at Culloden point, near Montaug, and was there anchored near the shore of Long Island, viz: within hailing distance thereof, and within the waters and territory of the state of New York—that the Respondents Sinqua, Carlu, Dammah, Baah, Morrah, Nahquoi, Quato, Cou, Fajanah, Berrie, Gabbo, Foulewa, Kimbo, Faquannah, Conowa, otherwise called Ndzaula, Yabboy, Burnah 1st, Shuma, Fawnie, Peah, Ba and Shoolay, while said schooner lay at anchor as aforesaid, went on shore within the state of New York, to procure provisions and other necessities, and while there, in a state where slavery is unlawful and does not exist, under the protection of the government and laws of said state by which they were all free, whether on board of said schooner or on shore, the Respondents were severally seized, as well those who were on shore as aforesaid, as those who were on board of, and in possession of, said schooner, by the said Lieutenant Gedney, his officers, and crew, of said United States brig Washington, without any lawful warrant or authority whatever, at the instance of said Spaniards, Ruiz and Montes, with the intent to keep and secure them as slaves to said Ruiz and Montes respectively, and to obtain an award



of salvage therefor, from this Hon. Court, as for a meritorious act:—That for that purpose, the Respondents were, by the said Lieutenant Gedney, his officers and crew aforesaid, forcibly and unlawfully withdrawn from the jurisdictional limits of the State of New York, and brought to the port of New London aforesaid, and while there and afterwards, under the subsequent proceedings in this Hon. Court, were taken into the custody of the Marshal of said District of Connecticut, and confined and held in the gaol in the cities of New Haven and Hartford respectively, as aforesaid. Wherefore the Respondents severally pray that they and each of them may be set free, as they of right are and ought to be, and that they be released from the custody of the Marshal under the process of this Hon. Court under which, or under color of which, they are holden as aforesaid.

S. P. STAPLES,  
R. S. BALDWIN,  
T. SEDGWICK, } Proctors.

#### 6. DECREE OF JUDGE JUDSON, AS FOLLOWS:—

And at said term of said District Court, holden at New Haven, in said District, on the 7th day of Jan., 1840, the following named libellants and claimants appear in Court, and pursue their several libels and claims respectively, viz: Thomas R. Gedney and others; Henry Green and others; the United States, by their District Attorney;—The said Vice Consul of Spain, and the Minister of Spain, through the United States District Attorney; Jose Antonio Tillerica, and the house of Aspi and Laca.

Don Pedro Montes, and Jose Ruiz, do not come in person nor by counsel, but their libels and claims, respectively, are pursued by the Spanish Ministers, the same being merged in his claim.

The said Cinques and others, Africans, pursue their claim and answer, filed as aforesaid.

And now, at said term of said District Court, holden at New Haven aforesaid, on the 7th day of Jan., 1840, said case came on to be heard on said libels, claims, and answers, and exhibits, and testimony of witnesses: and said Court of the 7th day of Jan., A. D. 1840, was adjourned to the 23d day of said Jan., then to be holden at Hartford, in said District, and at said District Court holden at Hartford, in said District, on the 23d day of January, 1840, it is ordered and decreed by said Court.

1. That the claim of Henry Green and others be dismissed, with cost taxed and allowed against them at \$
2. That that part of the libel of Thomas R. Gedney and others, relating to their claim for salvage on the *alleged slaves* be dismissed.
3. That the libel and claim of Jose Ruiz, being included under the claim of the Minister of Spain, be dismissed with cost taxed against the said Jose Ruiz, at the sum of \$
4. That the libel and claim of Don Pedro Montes being included under the claim of the Minister of Spain, be dismissed, with cost taxed against the said Don Pedro Montes, at the sum of \$
5. That that part of the claim of the Minister of Spain which demands the surrender of Cinques and others, who are specifically named in their answer, filed as aforesaid, be dismissed without cost.
6. That the claim of the Vice Consul of Spain, demanding the surrender to the Spanish Government of Antonio Ferrer, a slave, owned by the heirs of Raymon Ferrer, subjects of her Catholic Majesty the Queen of Spain, be sustained, &c.

7. The claim of Jose Antonio Tillerica, for a restoration of the goods specified in his aforesaid claim, being part of the cargo of the *Amistad*, is sustained on payment of salvage, &c.

8. The claim of Aspi and Laca is sustained on payment of salvage, &c.

9. The residue of the cargo (except the Africans) to be delivered to the Spanish Government, &c., deducting salvage.

Upon the several answers of Jiqua, Burnah 1st, Dammah, &c. &c., [naming them] natives of the Mendi country, in Africa, and of the neighboring region, now in the custody of the Marshal of this District, under process issued from this Court, on the 29th day of August, A.D. 1839, against the schooner *Amistad*, and the articles of personal property on board of her, on the libel of Thomas R. Gedney, a Lieutenant in the U. S. Navy, commanding the U. S. brig *Washington*, in the service of the United States, and the officers and crew thereof, and all others interested or entitled, and also under process of this Court, issued on the several libels and representations of William S. Holabird, Esq., U. S. District Attorney for the District of Connecticut, and of Pedro Montes and Jose Ruiz respectively: this Court of Connecticut, and of Pedro Montes and Jose Ruiz respectively, do find that the respondents, severally answering as aforesaid, are each of them natives of Africa, and were born free, and ever since have been, and still of right are free, and not slaves, as is in said several libels, claims, and representations, alleged or surmised:—that they were never domiciled in the island of Cuba, or the dominions of the Queen of Spain, or subject to the laws thereof; that they were severally kidnapped in their native country, and were, in violation of their own rights and of the laws of Spain, prohibiting the African slave trade, imported into the island of Cuba, about the 12th of June, 1839, and were then unlawfully held and transferred to the said Ruiz and Montes respectively: that said respondents were, within fifteen days after their arrival at Havana, aforesaid, by said Ruiz and Montes, put on board said schooner *Amistad*, to be transported to some port in said island of Cuba, and there, unlawfully held as slaves: that the respondents, or some of them, influenced by the desire of recovering their liberty, and of returning to their families and kindred, in their native country, took possession of said schooner *Amistad*, killed the captain and cook, and severely wounded the said Montes while on her voyage from Havana, as aforesaid; and that the respondents arrived, in possession of said schooner, at Culloden Point, near Montauk, and there anchored said schooner in the high seas, at the distance of half a mile from the shore of Long Island, and were there, while a part of the respondents were, as is alleged in their said answer, on shore in quest of water and other necessities, and about to sail in said schooner for the coast of Africa, seized by Lieutenant Gedney and his officers and crew, and brought into the port of New London, in this District. And this Court doth further find, that it hath ever been the intention of the said Montes and Ruiz, since the said Africans were put on board the said schooner, to hold the said Africans as slaves: that at the time when the said Cinques and others hereinafter named, were imported from Africa into the dominions of Spain, there was a law of Spain prohibiting such importation—declaring the persons so imported to be free: that said law was in force when the said claim-

ants took the possession of the said Africans, and put them on board said schooner, and that the same hath ever since been in force, and which law is as follows:

(Decree of December, 1817, 10 Wheaton, Appendix.)

And this Court doth further find, that when the said Africans were shipped on board the said schooner, by the said Montes and Ruiz, the same were shipped, under passports signed by the Governor General of the island of Cuba, in the following words, viz:

HAVANA, June 22, 1839.

I grant permission to carry three black Ladinos, named Juana, &c.

HAVANA, June 26, 1839.

I grant permission to carry 49 black Ladinos, named Antonio, Simon, Lucas, Jose, &c.

which said passports do not truly describe the said persons shipped under the same.

Whereupon, the said claim of the Minister of Spain, as set forth in the two libels filed in the name of the United States, by the said District Attorney, for and in behalf of the Government of Spain, and her subjects, so far as the same relate to the said Africans, named in said claim, be dismissed.

And, upon the libel filed by said District Attorney, in behalf of the United States, claiming the said Africans, libelled as aforesaid, and now in the custody of the Marshal of the District of Connecticut, under and by virtue of process issued from this Court, that they may be delivered to the President of the United States, to be transported to Africa. It is decreed that the said Africans, now in the custody of said Marshal, and libelled and claimed as aforesaid, excepting Antonio Ferrer, be delivered to the President of the United States by the Marshal of the District of Connecticut, to be by him transported to Africa, in pursuance of the law of Congress passed March 3, 1819, entitled "An act in addition to the act prohibiting the slave trade."

And after the said decree is pronounced, the said United States, claiming as aforesaid, in pursuance of a demand made upon them by the duly accredited Minister of her Catholic Majesty the Queen of Spain, to the United States, move an appeal from the whole and every part of said decree, except that part of the same in relation to the said slave Antonio, to the next Circuit Court of the United States, to be holden at New Haven, within and for the District of Connecticut, on the last Wednesday of April, A. D. 1840, and it is allowed. And after said decree is pronounced, the said Antonio Tillerica and the said House of Aspi and Laca, claimants as aforesaid, respectively move an appeal from that part of said decree passed in relation to the goods claimed by them respectively as aforesaid, except from so much thereof as sustains their respective claims to said goods as owners thereof, and their claims to the restoration thereof to the said Circuit Court, to be holden at said New Haven on the day and year last aforesaid, and it is allowed.

Attest: Signed CHARLES A. INGERSOLL, Clerk.

7. Deposition of Dr. Madden, ex-Superintendent of Liberated Africans at Havana.

8. Deposition of Charles Pratt, a native African, of the British brig of war, *Buzzard*, that "he is sure, from the language, manners, and looks of the African prisoners now in gaol at New Haven, that they have recently come from Africa," &c.

#### THE AFRICANS OF THE AMISTAD.

We recur to this group of interesting, we can hardly now say unfortunate Africans, as all our readers, we trust, will be rejoiced to hear of their health, comfort, and progress in learning. The following communication is from *The Congregational Observer*, and is written by one of the young gentlemen connected with the New Haven Theological School, who have so assiduously taught these benighted pagans until they have become, if not Christianized, yet civilized, and prepared to exert a beneficial influence whenever they shall be released from the grasp of American law, (shall we call it *law*?) and sent back to their native land.

"Several months have passed since the attention of our readers has been called to these unfortunate beings. During this period they have not been idle, but under the instruction of benevolent gentlemen interested in their welfare, have been making substantial progress in the elements of a thorough education. About three weeks since, they were removed from the jail in New Haven to a house in Westville, two or three miles distant, (in consequence of the demolishing of the old prison for the purpose of erecting a new one on its site,) where they are allowed to spend the greater part of their time in a large enclosed yard, which gives them the benefit of the open air. The most perfect health at present prevails among them. Indeed it is difficult to imagine a greater contrast than between their present and former appearance. When they were first brought to New Haven, a large number of them had been reduced, by the terrible sufferings they had passed through, to little better than the shadow of a shade. The poor fellows, during the autumn and winter, had a hard time of it. Death appeared among them again and again, and at one time the apprehension began to be felt that none of them would survive to carry back to their countrymen the story of their heroic strike for freedom. By the kindness of Providence the lives of thirty-six of the number, including the four little children, have been preserved, and now a more cheerful, healthy looking set of men can nowhere be found.

In the dreary uncertainty which hangs over their fate, it is a relief to know that they are worthy of all the sympathy so extensively expressed in their behalf. They came to our jail, the victims of cruel wrong, and the whole North needed only to know the danger of their swinging upon the gibbets of Cuba, for an act in which Hancock and Adams would have gloried, to call forth an intense and wide-spread expression of interest and kindness.

It cannot, therefore, but gratify the community to learn, that after an acquaintance of nearly a year, these strangers, although laboring under every disadvantage of color and circumstances, have gained not only the



affection, but even the respect of those who have had the means of becoming acquainted with their character. To detail all the interesting things which have been developed in their intercourse with those in whom they have felt confidence, would require a volume. A few of the more prominent only can be mentioned.

1. As a body, they exhibit indefatigable perseverance in learning to read. They are always ready at the call of their teacher, and their only complaint is, that he is able to spend so little time with them. Visit them at any time of day, and more or less of them are sure to be found busily engaged in studying—in this corner one will be seen patiently spelling out the words of his book alone—in another, two or three, taking lessons from one more advanced, or else aiding each other. They play a good deal, it is true, but after all, study is the main business with the great majority. And they are now fast reaping the results. The more advanced are able to read the New Testament about as well as the younger classes in our public schools. The others read very tolerably in Lovell's First Class Book. They are now also rapidly learning to speak our language. Several of them already talk quite intelligibly, although, as might be expected, in somewhat broken English. The little boy, *Ka-le*, especially, does very well. A fine looking lad, about 16 years of age, named *Kin-na*, also makes rapid progress. Several of them have recently commenced writing on a slate, and bid fair to succeed well.

There is one fact which in this connection ought not to be omitted. Their mental powers, according to the testimony of all the gentlemen who have been engaged in their instruction, are fully equal to those of our own race. With one or two exceptions, all have active minds. As a body, they are quick, shrewd, intelligent. Still farther, a few of them plainly are endowed with minds of a high order, and can hardly fail, should they ever reach their native land, to exert a vast influence upon their countrymen. It is deeply interesting to observe the soberness, thoughtfulness, and eagerness for instruction, which mark the minds of the men whom Providence may have cast upon these shores, to prepare them to sow the seed of science, civilization and religion in the unknown regions of Central Africa.

2. Gratitude is a marked trait in their character. Although at first naturally suspicious of every one they saw, they soon learned to distinguish their friends; and since then they have never failed, when it was proper, to express in the liveliest manner their sense of obligation. Probably the gentlemen who have personally attended to their instruction and comfort, have no warmer friends in the world than these ignorant Africans. When the decision of Judge Judson was announced to them, their joy at the prospect of returning to their native land was evidently damped by the thought that they should be obliged to part with their friends here. A few days since, one of the gentlemen who has manifested much interest in them ever since their arrival, was taken sick. Their unaffected expressions of sorrow, on learning it, could the gentleman have witnessed them, would have amply rewarded him for all that he has done in their behalf.

3. They possess deep and warm affections. How much they have suffered from the thought of kindred and friends, in this long separation, it is impossible to say, for they have said little about it themselves, except to each other. But those who have been with them have not unfrequently seen the tear start at the mention of the aged father, or the defenceless wife and child, and stout men turn aside and weep, and the little children cry as if their hearts would break. It was said shortly after their arrival, and repeated so often as to make some believe the story, that they did not wish to return to Africa. A few days since the question was directly put to two of the most intelligent of the number. The instant reply, in broken English, in a tone and manner expressive of the deepest feeling, was:—"Tell the American people, that we very, very much want to go to our home." Poor fellows! Who can doubt it? One of them, the other day, confessed to the gentleman who instructs them, that the thought of his home in Africa, often disturbed him so much in the night that he could not sleep—and his only means of relief was to get up and pray.

This leads to the mention of another trait in their character, viz.—uncommon susceptibility to religious impressions. Their fixed attention to religious exercises on the Sabbath, even puts to shame most of our congregations. And it is not all mere form. There is reason to believe that the truths of the Bible they have already learned, exert a greater or less influence on the feelings and conduct of all of them. There seems to be no doubt that to a great extent they are in the habit of daily secret prayer. A sense of right, so far as can be judged, exerts a controlling influence over some of them—so much so, indeed, as sometimes to lead to the hope that the Spirit of God is working upon their hearts and gradually bringing them to a saving knowledge of the truth.

This article is already too long, and must be brought to a close. In conclusion it may be said that they came here savages—with the feelings, opinions, habits, and manners of savages. By the divine blessing upon the labors of those who have taken an interest in their welfare, they are now becoming civilized, and it is to be hoped Christian men. One of their most fondly cherished hopes is, that some one from this country may be induced to return with them to Africa as a Christian missionary. The hope of their friends is that they themselves may return as Christian missionaries, and may tell to their kinsmen not only of the power, wealth, civilization and learning of America, but of the gospel of Christ, the wisdom of God, and the power of God to salvation of our perishing race. But to be qualified to do this they must be instructed—funds must be provided to bear the necessary expenses. The committee, it is understood, are already in debt, and need the aid of the Christian community. It should be afforded at once. Mr. Amos Townsend, Jr., of New Haven, is treasurer of the committee, and if it will be more convenient to any of our readers to send their contributions to the office of the Observer in Hartford, we will forward them to him with pleasure.

#### DESCRIPTION OF CINQUEZ, GRAB-EAU, AND JAMES COVEY THE INTERPRETER.



SING-GBE, [Cinguez] (generally spelt *Cinquez*) was born in Mani, in Dzho-poa, i. e., in the open land, in the Men-di country. His mother is dead, and he lived with his father. He has a wife and three children, one son and two daughters. His king, Kalum-bo, lived at Kaw-men-di, a large town in the Men-di country. He is a planter of rice, and never owned or sold slaves. He was seized by four men, when traveling in the road, his right hand tied to his neck. Ma-yagi-la-lo sold him to Ba-ma dzha, son of Shaka, king of Gen-duma, in the Vai country. Ba-ma dzha carried him to Lomboko and sold him to a Spaniard. At Lomboko he was transferred to a slave ship, and taken to Havana.



GI-LA-BU [Grab-eau,] (*have mercy on me*) was born at Fu-lu, in the Men-di country, two moons' journey into the interior. He was the next after Cinque in command of the *Amistad*. His parents are dead, one brother and one sister living. He is married, but no children; he is a planter of rice. He was caught on the road when going to Taurang, in the Bandi country, to buy clothes. His uncle had bought two slaves in Bandi, and gave them in payment for a debt; one of them ran away, and he (Grab eau) was taken for him. He was then sold to a Vai man, who sold him to Laigo, a Spaniard, at Lomboko.



JAMES COVEY, the interpreter for the Africans, is apparently about twenty years of age; was born at Benderi, in the Men-di country. Covey was taken by three men, in the evening, from his parents' house: he was carried to the Bullom country, and sold as a slave to the king of the Bulloms. He was afterwards sold to a Portuguese, living near Mani. After staying in this place about one month, Covey was put on board a Portuguese slave-ship, which was captured by a British armed vessel, and carried into Sierra Leone. Covey thus obtained his freedom, and remained in this place five or six years, and was taught to read and write in the English language, in the schools of the Church Missionary Society. Covey's original name was *Kau-we-li*, which signifies, in Mendi, *war-road*; i. e., a road dangerous to pass, for fear of being taken captive. In Nov., 1838, he enlisted as a sailor on board the British brig of war, *Buzzard*, commanded by Captain Fitzgerald. It was on board this vessel, when at New York, in Oct., 1839, that James was found, and, by the kindness of Captain Fitzgerald, his services as an interpreter were procured.

#### JAMES B. COVEY, THE AFRICAN INTERPRETER.

This deserving young man—a native of Africa—who has been so long at New Haven, with his countrymen taken in the *Amistad*—who has conducted so well, and rendered such important service to them—and to the cause of humanity, has addressed a letter to one of the committee, of which the following is a copy.

New Haven, Nov. 5th, 1840.

I see little Book sent to Jingua. I want two or three big Book. I want big Bible—big Dictionary and Smith Geography. These I want to carry along to Africa. My friends give me little Book plenty. I want grammar of the English language. I love our Lord and Saviour Jesus Christ. I now member of the church two months, and very happy in my soul. When I go to Africa I want to tell the Africans how Jesus died for sinners, and teach them the Bible. Sometimes I want Dictionary to look out hard words and Geography to tell about the world. When you send these Book, put my name on and send to boat office.

JAMES B. COVEY.

#### LETTER FROM THE AFRICAN BOY, KA-LE.

On the next page we present our readers with a *fac simile* letter written by the little boy, Ka-le, to one of the committee. It was written by him, we are assured, without assistance. Considering that he is not now more than ten or eleven years of age, the letter evinces not only uncommon natural capacity (which he is said to possess) but an aptitude to learn, and an accuracy in spelling, quite remarkable. Ka-le can also read in the Testament tolerably well, and can speak our language a little. He is described by Professor Gibbs as a "Manding with a large head, flat broad nose, stout and fleshy." Rev. Mr. Magill, whose letter is in another column, says that Ka-le is a boy of uncommon mind and studious habits. Does any one wish he had remained a slave in Cuba? Is any one desirous he should return there?



Westville Sept

Mr Tappan I going write you letter  
I want tell you some thing I bless you because  
I love ~~you~~ I want pray for you every night and  
every morning ~~and~~ evering and I want  
love you too much I will <sup>write</sup> letter for my  
thing for you from that time Jesus began to  
preach and to say repent for the Kingdom of  
heaven is at hand my friend I write this pa-  
per for you because I love you too much I  
pray for you I love pray our father who ~~are~~  
in heaven hallowed be  
friend Mr Tappan I bless you because  
I love you and I love write you letter my friend  
I want love all teachers who teach me and all my  
people good things about Jesus Christ and God  
and heaven and every things I bless them that  
teach me good I pray for them I want write some  
thy new ~~kingdom~~ Kingdom Come thy will  
be done in earth as it is in heaven give us this  
day our daily bread and forgive us our debts as  
and we forgive our debtors and lead us not  
into temptation but deliver us from evil  
for thine is the Kingdom and the power and  
the glory for ever Amen O God keep all my  
teachers and all my friend and all my  
enmy that so love me all I love them  
I try to write letter of paper for Mr Tappan  
and Jesus said unto him if Xes have holes and  
birds of the air have nests but the son of man  
hath not where to lay his head and Jesus said  
unto him no man having put his hand to  
the plough and looking back is fit for the King-  
dom of God

my name Kal I ~~send~~  
send your letter to James Birney



*To the Board of Managers of the American Bible Society.*

GENTLEMEN,—We solicit a donation of thirty-six Bibles for the Africans taken in the Amistad, now in prison at New Haven. They have been under religious instruction during nearly the whole period of their confinement—have made good improvement, and can now read a little in the Bible. We hope that some of them love the Savior. We also solicit for a Bible for James B. Covey, the interpreter, a native of Africa, who has been hopefully converted, and has united with the church at New Haven. We send you a fac simile of a letter written by the youngest of these Africans, Ka-le, who is in his eleventh year, and a letter written by Covey—both contained in the American and Foreign Anti-Slavery Reporter. With great respect,

Your obed't serv'ts,

S. S. JOCELYN,

JOSHUA LEAVITT,

LEWIS TAPPAN,

} Committee.

New York, Nov. 13, 1840.

[This request was promptly complied with, and a handsome 8vo. Bible presented to each of the Africans.]

#### LETTER FROM REV. S. W. MAGILL.

The New Haven *Daily Herald*, it appears, has been employed, as some other newspapers in this land of freedom have, in publishing statements respecting the Africans of the Amistad, wholly at variance from the truth. It has been asserted that if they could get rum and tobacco they are satisfied; that they are utterly destitute of honesty, and are continually stealing from each other; and that they are insubordinate. Mr. Magill, who has been engaged in instructing the Africans for several months, has fully refuted these charges, in a letter published in the *Herald* of September 25th. With regard to veracity, temperance and good conduct, the Africans, instead of acting worse than the generality of the people, have, it appears, conducted in such a manner as to be virtuous examples to our countrymen rather than the contrary. Mr. Magill's letter concludes thus:

But, gentlemen, I wish to make a few positive statements respecting these calumniated Africans.

You know when the effort to instruct them in the sounds and letters of our language was commenced—I think in October last. The work has been in progress then, not quite eleven months, and not pursued under the most favorable circumstances. And now let me tell you of some of the results.

There is a class of ten, who are now able to read in the New Testament with a good degree of facility, and with ready comprehension of the more practical truths, with explanations given entirely in the English language.

Another class of ten, have gone over about seventy pages of *Levell's First Class Book*, and can now read very creditably in those admirable lessons.

Still another class of ten are endeavoring, without weariness, though some of them with but little success, to gain a knowledge of our letters and words so as to read American books.

For about three months they have all been using slates and making unceasing exertions to learn to write. A dozen, at least, of them, are now able to write after a copy very legibly, and some six or eight have made such rapid attainment that they are now using pen and paper, and expressing their own thoughts in our language, quite intelligibly.

Quite recently their interest in their new employments has been strikingly manifested. Two of their native games occupied a great deal of their time, and seemed to give them great amusement for several months after they came here, but of late their interest in them has been evidently subsiding, and a few weeks since the teacher discovered that they were entirely abandoned, and the holes in the ground in which they used to play entirely filled up. Upon asking the cause, he was informed that they found books and slates so much more interesting that they cared no longer for their plays.

This, gentlemen, was done entirely at their own impulse—and now, let the yard where they are kept be visited at any hour of the day, except meal times, and quite a number will be discovered intently engaged with books and slates. Consider, too, that this was the case, not while the occupation of reading and writing was a novelty, but after it had been engaged in several months, and of course, the discovery made that there are difficulties in the way of acquiring the ability to read a book or write a letter.

Does not this look as if they care for something besides rum and tobacco, and have minds which can be improved, and susceptibilities to influences, which proves them not utterly degraded and unimprovable.

In view of these statements, Messrs. Editors, may I not, in behalf of these traduced and defenceless sons of our common humanity—these helpless victims of the demon of the slave trade, who in the spirit of '76, have made resistance to oppression for the recovery of their liberties and lives, and who, under the guidance of an overruling Providence, have been cast upon the shores and upon the benevolence of Connecticut—in their behalf, may I not ask you to reconsider the opinion, and revise the statement, that "as for educating or civilizing these negroes, any body that has one hair of reason out of the whole number of his head cannot believe it," and that "they have minds to be sure, but darker than their skins, and hearts blacker than either," and hereafter to lend them your aid in exculpating them from the calumny of their enemies?

I am requested by the committee who have charge of the instruction of the Africans, to say, in this connection, that to whatever benevolent object the money, received by Col. Pendleton, after the jailor had received a sufficient compensation for his trouble, was to be appropriated, this

committee have not received, and do not expect, and do not wish one cent of that money.

With due respect,

New Haven, Sept. 23, 1840.

S. W. MAGILL.

Boston, Oct. 27th, 1840.

*To the Committee on behalf of the Africans of the Amistad:*

I have just returned from Quincy, where I have been, accompanied by Ellis Gray Loring, Esq., to visit the venerable ex-President respecting the Africans taken in the Amistad, and I have the high satisfaction to inform you that the Honorable JOHN QUINCY ADAMS has consented to act as senior counsel in this cause, and to make the closing argument in the Supreme Court of the United States, at the term, at the city of Washington, next January. As Mr. Staples considered himself employed only in the courts sitting in Connecticut, the counsel for the Africans at present are Hon. J. Q. Adams, R. S. Baldwin, Esq., of New Haven, and Theodore Sedgwick, Esq. of the City of New York. This important cause may safely be entrusted, under Divine Providence, in the hands of those gentlemen.

With sincere regard yours,

LEWIS TAPPAN.

#### JOHN QUINCY ADAMS, COUNSEL FOR THE AMISTAD CAPTIVES.

We learn with the highest gratification, that JOHN QUINCY ADAMS has agreed to assume the position of leading counsel for the Africans of the Amistad at their final trial before the Supreme Court of the U. States. The trial will be had, this winter during the session of Congress. It will be of unequalled interest, and will doubtless attract the attendance of persons from all parts of this country. Mr. Adams has not appeared in Court for more than thirty years. Venerable and illustrious as he is, from age, from his fearless character, and from his eminent public services, yet when we consider the magnitude of the interests involved in the case to the reputation of our country, and to the great cause of freedom and right, we feel that noble as is the resolution of Mr. Adams to step forth, as from a generation that is gone, in defence of these oppressed men; yet in the eyes of America, of Europe, of posterity, and of all good men, he will gain from his connection with such a cause, far more than he will give. His appearance before that august tribunal will hereafter shine as the brightest day in the life of the man whose history has been for half a century identified with his country's.—*Liberator*.

#### SECOND APPEAL TO THE PUBLIC,

*On behalf of the Africans taken in the Amistad.*

The time has now arrived when new and heavy expenses are to be incurred for the protection and deliverance of the thirty-six surviving Africans who are still in the custody of our Government, awaiting the final decision of the Supreme Court of the United States. Several hundreds of dollars are still due for the expenses of instructing them daily for upwards of fifteen months, and eminent counsel will be engaged as soon as the means are furnished, to conduct their defence, at Washington City, next January. If any one doubts the *extremity of the peril* in which these Africans are placed, let him read the Congressional Document containing the correspondence between the Secretary of State and the Spanish Minister. Shall these hapless sons of Africa, for want of further aid, and able professional defenders, be surrendered to the Spanish Minister, who claims them "not as slaves, but as assassins!" Will not the generous men and women who have already contributed to afford instruction and legal protection to these interesting strangers, again open their hands for their relief—and will not those who have not yet contributed for these noble purposes, forward their donations, which are needed more than ever at this juncture? Such sums as may be contributed, will be appropriated by the undersigned according to their best judgment. All donations will be acknowledged in the American and Foreign Anti-Slavery Reporter, and a copy sent to each donor. The disbursements will also be published. Money can be sent to Samuel D. Hastings, Esq. No. 20 Commerce street, Philadelphia: to Ellis Gray Loring, Esq. Boston; or to Lewis Tappan, 122 Pearl street, and 131 Nassau street, New York.

S. S. JOCELYN,

JOSHUA LEAVITT,

LEWIS TAPPAN,

} Committee.



## CORRESPONDENCE WITH JUDGE THOMPSON.

A correspondence, of some length, between Judge Thompson, and a member of the committee acting on behalf of the Africans, is published in the December number of the American and Foreign Anti-Slavery Reporter. It seems that application was made to the Circuit Court, last April, to remove the four African children from the custody of the jailor, *on bail*, that they might be put into private religious families that were willing to receive them. It was stated to the court that these children, especially the three girls, were unfavorably situated in the county jail—that although their physical wants were supplied, yet that in other respects they were neglected—that they slept in a room contiguous to the rooms occupied by the men, that the three girls and boy occupied one bed, that the girls were employed as scullions in the jailor's kitchen, and that they did not have the advantages of education, &c., that the other Africans enjoyed. The court heard the jailor, in reply, who stated that the children were well off, &c. &c., whereupon Judge Thompson peremptorily denied the application, and remarked, "I do not think it will hurt them to lie in jail a few months longer," or something to that effect.

At the September term the application was renewed, and a motion made that all the Africans be placed in the custody of the Committee. Additional reasons were given, showing the deprivations of the African girls, in an intellectual and moral point of view, in comparison with the opportunities enjoyed by their countrymen in jail, and earnestly imploring the court to allow them to be bailed out and put into private families, where they could be taught, to better advantage, the elements of knowledge, sewing, making garments, &c., and be instructed more thoroughly in the Christian religion.

This application was urged, besides, on the ground that, as the committee would undertake to board the Africans at one-half the expense incurred by Government, it would save to the United States, at least, \$45 per week, as the jailor was paid for the board of the thirty-six Africans, \$90 per week. Judge Thompson seemed to listen to this application, and said, if a saving could be made to Government it might be his duty to remove them on bail, &c. At his suggestion a petition was presented to the Court. After considering it, in vacation, he decided, that the compensation paid by Government for the board of the Africans should be reduced one-half, but that as the Africans appeared to be well used, and the only ground upon which he should deem it necessary or proper to take them out of the custody of the marshal, being the saving of the expense of their keeping, he should not comply with the prayer of the petition.

The committee then petitioned to bail out the four children and Kin-na, one of the most intelligent of the men, on condition that they would board them all without any expense to the Government, as it was desirable that he should receive particular instruction to qualify him to succeed Covey as interpreter, who was about to return to Sierra Leone, and it was found impossible for him to be qualified in jail. The prayer of this petition was also denied on the ground that but little time would elapse before a final decision would probably be made by the Supreme Court of the United States, and it was doubtful whether Judge T. had a legal right to remove the Africans into the custody of the petitioners even on bail, or whether the bond could be enforced, if taken for their appearance. A petition was then presented, offering to support all the Africans *without any expense to Government*, and imploring that the three girls, the little boy, and Kin-na might, at any rate, be given up on bond, for reasons assigned, but this application was also denied, on the ground that the committee had no legal claim to the possession of the Africans, &c.

Under these circumstances it was stated in the Reporter that many persons were of opinion that the course taken by his Honor Judge Thompson was both unconstitutional and cruel. Judge Thompson has taken some offence at the publication of such statements, which he considers "an attack both upon his head and heart," and the whole correspondence between him and the committee, and a member of it, has therefore been published, with feelings of great respect for the eminent judge, in order that the public may judge for themselves in the premises. We regret that we have not room for this correspondence entire, but we have endeavored to give a correct synopsis of it. We have good reason to believe that the community think it a great hardship that these interesting girls, approaching womanhood, should have been kept upwards of a year in a county jail, subject to such inconveniences, and denied many of the privileges enjoyed by their countrymen, who have had much more instruction, provided by the means furnished by a sympathizing and benevolent public.

## CAN THE GOVERNMENT SURRENDER THE AFRICANS TAKEN IN THE AMISTAD?

It is not probable that this will be the first question to be settled by the Supreme Court of the United States at its approaching session in January, when the fate of these jeopardized men will probably be decided, even if, the Attorney General of the United States and Secretary Forsyth shall be inconsiderate enough, after reading the record, not to abandon the appeal. Judging from what has taken place in the court below, we infer that the first thing will be for the learned counsel, if the appeal is not abandoned, to move to dismiss the appeal, on the ground that the United States had no authority to take or pursue it. It will be recollected by those who have bestowed careful attention upon this novel and important cause, (and the number in and out of the profession is numerous who have done so,) that after the *pro forma* affirmation of the decree of the Court for the District of Connecticut by the Circuit Court, Mr. Justice Thompson presiding, the correspondence between the Secretary of State and the Spanish minister, with other official papers called for by a resolution of the Hon. John Quincy Adams, were transmitted to the House of Representatives, and published by their order; and that the fact was disclosed, in said correspondence, that the Spanish minister did not claim the Africans as "slaves," but as assassins." Upon the knowledge of this fact, Mr. Baldwin, of counsel for the Africans, attempted to read a motion at the September term, of the Circuit Court, that the appeal from the District Court be dismissed, but Judge Thompson refused to hear the motion read, on the ground that the cause had, by consent, gone up, and the intended motion could, therefore, only be made in the Supreme Court. It having been proved, in the court below, that the Africans were never legally in bondage to the Spaniards; it being decided that, if murderers, on board a Spanish vessel, they could not be tried in our courts; and the Spanish minister having decided to claim them only as "assassins," it may be asked, *how can the appeal be sustained by the Supreme Court of the United States?*

But should the appeal be sustained, can the Supreme Court decree that these perilled Africans shall be surrendered to the Spaniards? The District Attorney, Holabird, on behalf of the government, claimed the Africans as *SLAVES* in order that they might be delivered to the Spanish minister, as "merchandize," under the treaty, and then as *FREEMEN*, that they might be sent to Africa by the President, under the act of 1819. When the District Court decided that they were not slaves, but freemen, Mr. Attorney Holabird appealed from that decision. That is, he appealed from a decision made in favor of his own libel, which, whether affectedly or not, he had somewhat pompously advocated! Mr. Forsyth, in his letter to Mr. Holabird, of Sept. 11th, 1839, stated that the Spanish minister claimed the "vessel cargo and blacks on board, as Spanish property," and afterwards the minister himself, it seems, claims *ed* them not "as slaves, but as assassins"! This, it appears, is the only ground upon which they can now be claimed, for the question has been judicially settled that these Africans, are not, and never were, slaves under Spanish law. It has been formally admitted by the District Attorney, has been so decreed by the District Judge, and from this decision no appeal has been taken. The question is then narrowed to this point, can the Africans be surrendered up by the Executive to the Spanish minister, to be sent to Cuba for trial, on the charge of murder or piracy? Those who wish to see the argument of counsel, and the opinions of the judges of the Supreme Court of the United States, in a similar case, are referred to Peters' Reports, Vol. 14, *Holmes vs. Jennison*, Governor of Vermont, et al. This case was very ably argued last winter, at Washington, by ex-Governor Van Ness, of Vermont, for Holmes, the plaintiff in error. Holmes, a citizen of Lower Canada, was indicted at Quebec for felony, and after fleeing into Vermont, was demanded by the Governor of Canada, of the Governor of Vermont, who issued a warrant for his apprehension. Holmes was confined under this warrant. A writ of *habeas corpus* was, on his petition, issued by the Supreme Court of Vermont, and on the return thereof by the Sheriff, stating the warrant of the Governor to be the cause of his detention, he was remanded by the court. Holmes prosecuted a writ of error to the Supreme Court of the United States. The writ of error was dismissed, the Court being equally divided. The argument of counsel, and the opinions of Justices Taney, Thompson, Barbour, Catron and Baldwin are given in Peters. "Although no judgment was given in the case, it will be seen that a majority of the court concurred in the opinion that the Governor of the State of Vermont *had not the power to deliver up to a foreign government a person charged with having committed a crime in the territory of that government*. Holmes was afterwards discharged, the Vermont judges, on a review, being satisfied that the power claimed to deliver him up did not exist. Our readers are also referred to a decision of Chancellor Kent, of N. Y. in 4 Johns. Ch. Rep. 106, who insists that, by the law of nations, there is an absolute and positive national obligation, to surrender fugitives from justice, on proper demand being made—and to a decision of Chief Justice Tilghman, of Pa., reported in 10 Serg. and Rawles' Rep. 125, who maintains precisely the opposite ground, unless special provision is made by treaty. It is said there is no English authority that maintains the doctrines of obligation, and the decisions and practice of our own government coincide. France has taken the same ground. *We have no treaty with Spain requiring our Government to surrender fugitives from justice.*

But it will be said, our Government may surrender these Africans to Spain upon the ground of comity, or the Executive may, by some trick or Grampus-like act, deport the Africans to Cuba.\* Thanks to God, the shield of His protection has been thrown around these people,



and they have hitherto been saved from the jaws of the devourer. We trust they will still be the care of an overruling Providence. The change of administration is, we think, favorable to the release of the Africans. The present executive will hardly, if an adverse decision of the Supreme Court give it the power, complete its action as an administration by such an ineffaceable act of wickedness as the delivering of the Africans to the blood-thirsty claimants. Let us hope for the best. The friends of the Africans may rest assured, every thing will be done that can be done, for their protection and deliverance, to the last moment.

The Africans taken in the Amistad remain in the vicinity of New Haven. One of our contemporaries has inconsiderately stated that they are to be removed to the city of Washington in January. It is not so. They will remain where they are until the case is finally disposed of by the Supreme Court of the United States. The counsel expect that the first week in the term (which commences on the second Monday in January) will be assigned for the consideration of this case. We intend to have a full report of the proceedings.

## CONSTITUTION OF THE AMERICAN AND FOREIGN ANTI-SLAVERY SOCIETY.

### PREAMBLE.

Whereas the Declaration of American Independence asserts that it is a self-evident truth, "that all men are created equal, and that they are endowed by their Creator with certain unalienable rights—that among these are life, liberty and the pursuit of happiness;" and whereas this political axiom is based upon the Holy Scriptures, which declare that God "hath made of one blood all nations of men, to dwell on all the face of the earth," and which require all mankind to love their neighbors as themselves; and whereas nearly three millions of the people of this country are held in slavery by their fellow-countrymen; and whereas the practices of buying and selling human beings prevails to an alarming extent; and whereas every man, irrespective of color, is entitled to equality of rights on the soil of his birth, and residence; and whereas the prejudice against color, which exists in this country, is sinful in the sight of God, and should be immediately repented of; and whereas no scheme of expatriation should be countenanced by any friend of man or God; and whereas we owe it to the oppressed, to oppressors, to our country, to the world, and to God, to do all that is right, and lawfully in our power, to bring about the extinction of slavery and the slave trade; we do hereby agree, with a prayerful reliance on the Divine aid, to form ourselves into a Society, to be governed by the following Constitution.

### ARTICLE I.

The name of this Association shall be the AMERICAN AND FOREIGN ANTI-SLAVERY SOCIETY.

### ARTICLE II.

The objects of this Society shall be the entire extinction of Slavery and the slave trade; and the equal security, protection and improvement of the people of color.

### ARTICLE III.

The following are the fundamental principles of this Society—That slaveholding and slave trading are heinous sins in the sight of God, and violations of the rights of man, and ought to be immediately abandoned—that so long as Slavery exists there is no reasonable prospect of the annihilation of the slave trade, and of extinguishing the sale and barter of human beings—that the extinction of Slavery and the slave trade will be attained most effectually by the employment of those means which are of a moral, religious, and pacific character; but at the same time this Society recognizes the rightful existence of human government, and, therefore, while as a society it does not require a pledge to vote as a condition of membership, and will carefully abstain from all the machinery of party political arrangements in effecting its objects, it will yet urge on all the duty of exercising their political power in behalf of the slave—that the legislative action of governments should be invoked to abolish slavery and the slave trade, for the enfranchisement of free people of color, and to restrain the lawless from invading the rights of others;—and that no measures be resorted to by this society, in the prosecution of these objects, but such as are in entire accordance with these principles.

The Society will employ the following means, among others, to effect the abolition of slavery and the slave trade;

1. They will circulate accurate information on the enormities of slavery and the slave trade—furnish evidence to the inhabitants of the slaveholding states, not only of the practicability and safety, but of the pecuniary advantage of free over slave labor—diffuse authentic intelligence respecting the results of emancipation in the West Indies and elsewhere—open a correspondence with Abolitionists throughout the world, and encourage them in the prosecution of their objects, by all methods consistent with the principles of this Society.

2. They will recommend the use of free-grown produce, as far as practicable, in preference to slave grown.

3. They will urge upon all, and especially upon the ministry and church of Christ, the duty of embracing every suitable opportunity for exhibiting to slaveholders and slave traders, and their apologists, an abhorrence of the system which they uphold, and its utter incompatibility with the spirit of the Christian religion.

### ARTICLE V.

Any person who consents to the principles and objects of this Society,

and contributes annually to its funds, shall be a member of the Society; and the payment of thirty dollars, at any one time, shall constitute an individual a member for life.

### ARTICLE VI.

The Society shall annually elect a President, two Vice Presidents, Secretaries, and a Treasurer; and in case of a vacancy occurring from any cause, the Executive Committee shall have the power to fill such vacancy.

### ARTICLE VII.

The Society shall annually elect an Executive committee of whom nine members, at least, shall reside in the City of New-York and vicinity, and five, regularly convened, shall constitute a quorum for the transaction of business.

This Committee shall have the power to elect their own officers; to fill all vacancies which may occur in their number; to call an annual meeting of the Society at New York, or elsewhere, at which a report of their doings shall be made; to transact all the business of the Society in the intervals of the annual meetings; to convene special meetings of the Society, when necessary; and to collect funds through their auxiliaries, or otherwise according to their discretion.

### ARTICLE VIII.

The meetings of this Society, for the transaction of business, shall consist of its officers, and such other men as may be sent as delegates. Each State or Territory Society, auxiliary to this shall be entitled to send two delegates, and every local Association, (consisting of not less than fifty members) whether auxiliary to the State or Territory Societies, or to this Society, shall be entitled to one delegate for every fifty members.

### ARTICLE IX.

This Society shall invite and encourage the formation of Women's Auxiliary Anti-Slavery Societies, in furtherance of its objects, which Societies may be represented according to Article VIII.

### ARTICLE X.

This Constitution may be amended at any annual meeting of this Society, by a vote of two-thirds of the delegates present, provided the amendments proposed have been submitted, in writing, to the Executive Committee three months previously.

### OFFICERS OF THE SOCIETY.

The Committee, of one from each State, on nominating officers for the Society, reported the following names:

#### PRESIDENT,

ARTHUR TAPPAN, *New York.*

#### VICE PRESIDENTS.

F. J. LE MOYNE, M.D. *Pennsylvania.*

JOHN T. NORTON, *Connecticut.*

#### SECRETARIES.

JAMES G. BIRNEY, *New York.*

HENRY B. STANTON, *New York.*

#### TREASURER.

LEWIS TAPPAN, *New York.*

#### EXECUTIVE COMMITTEE.

Arthur Tappan	<i>New York.</i>	J. S. Eddy, <i>Providence,</i>	<i>R. I.</i>
J. G. Birney	"	J. Chapin	"
S. W. Benedict	"	S. Demming, <i>Farmington,</i>	<i>Conn.</i>
S. S. Jocelyn	"	A. G. Beman, <i>New Haven</i>	"
Theo. S. Wright	"	Gerrit Smith, <i>Peterboro',</i>	<i>N. Y.</i>
L. R. Sunderland	"	Wm. Jay, <i>Bedford,</i>	"
Wm. Church	"	J. Leavitt, <i>Bloomfield</i>	<i>N. J.</i>
H. B. Stanton	"	Samuel Aaron, <i>Burlington,</i>	"
Lewis Tappan	"	S. E. Cornish, <i>Newark,</i>	"
Wm. Smyth, <i>Brunswick, Me.</i>		A. L. Post, <i>Montrose,</i>	<i>Penn.</i>
Calvin Newton, <i>Thomaston,</i>	"	Thomas Morris, <i>Cin.,</i>	<i>Ohio.</i>
J. Perkins, <i>New Hampshire.</i>		Wm. H. Brisbane	"
Jonathan Curtis, <i>Pittsfield, N. H.</i>		J. P. Cleveland, <i>Mar.</i>	<i>Mich.</i>
C. L. Knapp, <i>Montpelier, Vt.</i>		Charles Hastings, <i>Detroit</i>	"
George Storrs	"	Wm. Twining,	<i>Indiana.</i>
Wm. Jackson, <i>Newton, Mass.</i>		Ed. Beecher, <i>Jacksonville,</i>	<i>Il.</i>
J. G. Whittier, <i>Amesbury,</i>	"	David Nelson, <i>Quincy,</i>	"
George Putnam, <i>Boston,</i>	"	Samuel F. Phenix, <i>Wis. Ter.</i>	
Orange Scott, <i>Lowell</i>	"		

### TERMS.

The Reporter will be published every month, and twenty-four numbers of eight pages or twelve of sixteen will constitute a volume. The price will be one dollar a volume, for a single copy, and for any number under ten. For ten copies, when forwarded to one direction, five dollars. If persons who forward the five dollars wish the ten copies directed singly to different individuals, it will be done. Auxiliaries, and benevolent individuals, can be supplied with the Reporter by the quantity—not less than one hundred copies—at the rate of fifty cents a volume. Payment for the Reporter always in advance. Address Samuel F. Foster, Agent, No. 131 Nassau street, (Clinton Hall) New York.